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83D CONGRESS
1ST SESSION

H. R. 5181

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 1953

Mr. MILLER of Nebraska (by request) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To revise the Organic Act of the Virgin Islands of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Revised Organic Act of
4 the Virgin Islands".

5 SEC. 2. (a) The provisions of this Act, and the name
6 "Virgin Islands" as used in this Act, shall apply to and
7 include the territorial domain, lands, and waters acquired
8 by the United States through cession of the Danish West
9 Indian Islands by the convention between the United States
10 of America and His Majesty the King of Denmark entered

1 into August 4, 1916, and ratified by the Senate on Sep-
2 tember 7, 1916 (39 Stat. 1706).

3 (b) The Virgin Islands are hereby declared to be an
4 unincorporated territory of the United States. The capital
5 and seat of government of the Virgin Islands shall be located
6 at the city of Charlotte Amalie, in the island of Saint
7 Thomas.

8 BILL OF RIGHTS

9 SEC. 3. No law shall be enacted in the Virgin Islands
10 which shall deprive any person of life, liberty, or property
11 without due process of law or deny to any person therein
12 equal protection of the laws.

13 In all criminal prosecutions the accused shall enjoy the
14 right to be represented by counsel for his defense, to be
15 informed of the nature and cause of the accusation, to have
16 a copy thereof, to have a speedy and public trial, to be con-
17 fronted with the witnesses against him, and to have com-
18 pulsory process for obtaining witnesses in his favor.

19 No person shall be held to answer for a criminal offense
20 without due process of law, and no person for the same
21 offense shall be twice put in jeopardy of punishment, nor
22 shall be compelled in any criminal cause to give evidence
23 against himself; nor shall any person sit as judge or magis-
24 trate in any case in which he has been engaged as attorney
25 or prosecutor.

1 All persons shall be bailable by sufficient sureties in the
2 case of criminal offenses, except for first-degree murder or
3 any capital offense when the proof is evident or the presump-
4 tion great.

5 Excessive bail shall not be required, nor excessive fines
6 imposed, nor cruel and unusual punishment inflicted.

7 No law impairing the obligation of contracts shall be
8 enacted.

9 No person shall be imprisoned or shall suffer forced labor
10 for debt.

11 All persons shall have the privilege of the writ of habeas
12 corpus and the same shall not be suspended except as herein
13 expressly provided.

14 No ex post facto law or bill of attainder shall be enacted.

15 Private property shall not be taken for public use except
16 upon payment of just compensation ascertained in the man-
17 ner provided by law.

18 The right to be secure against unreasonable searches and
19 seizures shall not be violated.

20 No warrant for arrest or search shall issue, but upon
21 probable cause, supported by oath or affirmation, and par-
22 ticularly describing the place to be searched and the persons
23 or things to be seized.

24 Slavery shall not exist in the Virgin Islands.

25 Involuntary servitude, except as a punishment for crime

1 whereof the party shall have been duly convicted, shall not
2 exist in the Virgin Islands.

3 No law shall be passed abridging the freedom of speech
4 or of the press or the right of the people peaceably to
5 assemble and petition the Government for the redress of
6 grievances.

7 No law shall be made respecting an establishment of
8 religion or prohibiting the free exercise thereof, and the free
9 exercise and enjoyment of religious profession and worship
10 without discrimination or preference shall forever be allowed,
11 and no political or religious test other than an oath to support
12 the Constitution and the laws of the United States applicable
13 to the Virgin Islands, and the laws of the Virgin Islands,
14 shall be required as a qualification to any office or public trust
15 under the Government of the Virgin Islands.

16 No money shall be paid out of the treasury except in
17 accordance with an Act of Congress or money bill of the
18 legislature and on warrant drawn by the proper officer.

19 The contracting of polygamous or plural marriages is
20 prohibited.

21 The employment of children under the age of fourteen
22 years in any occupation injurious to health or morals or
23 hazardous to life or limb is prohibited.

24 Nothing contained in this Act shall be construed to limit
25 the power of the legislature herein provided to enact laws

1 for the protection of life, the public health, or the public
2 safety.

3 FRANCHISE

4 SEC. 4. The franchise shall be vested in residents of the
5 Virgin Islands who are citizens of the United States, twenty-
6 one years of age or over. Additional qualifications may be
7 prescribed by the legislature: *Provided, however,* That no
8 property, language, or income qualification shall ever be
9 imposed upon or required of any voter, nor shall any discrimi-
10 nation in qualification be made or based upon difference in
11 race, color, sex, or religious belief.

12 LEGISLATIVE BRANCH

13 SEC. 5. (a) The legislative power and authority of the
14 Virgin Islands shall be vested in a legislature, consisting of
15 one house, to be designated the "Legislature of the Virgin
16 Islands", herein referred to as the legislature.

17 (b) The legislature shall be composed of eleven mem-
18 bers to be known as representatives. Two representatives
19 shall be elected by the qualified electors of the District of
20 Saint Thomas; two representatives shall be elected by the
21 qualified electors of the District of Saint Croix; and one
22 representative shall be elected by the qualified electors of
23 the District of Saint John; which districts are hereby estab-
24 lished. The other six representatives shall be representatives
25 at large and shall be elected by the qualified electors of the

1 Virgin Islands from the Virgin Islands as a whole: *Provided*,
2 That in the election of representatives at large, each elector
3 shall be entitled to vote for but one candidate, and the candi-
4 dates receiving the largest number of votes shall be declared
5 elected up to the number to be elected at that election.

6 SEC. 6. (a) The term of office of each member of the
7 legislature shall be four years, except that in the first election
8 to be held after the effective date of this Act, one representa-
9 tive from Saint Thomas, one representative from Saint Croix,
10 and three representatives at large shall be elected for two-
11 year terms. The term of office of each member shall com-
12 mence on the first day of January following his election.

13 (b) No person shall be eligible to be a member of the
14 legislature who is not a citizen of the United States, who has
15 not attained the age of twenty-five years, who is not a quali-
16 fied voter in the Virgin Islands, who has not been a bona
17 fide resident of the Virgin Islands for at least three years
18 next preceding the date of his election, or who has been
19 convicted of a felony or of a crime involving moral turpi-
20 tude and has not received a pardon restoring his civil rights.
21 Persons employed in the executive or judicial branches of
22 the Government of the Virgin Islands shall not be eligible
23 for membership in the legislature.

24 (c) All officers and employees charged with the duty of

1 directing the administration of the electoral system of the
2 Virgin Islands and its representative districts shall be ap-
3 pointed in such manner as the legislature may by law direct:
4 *Provided*, That appointment shall be made according to merit
5 and fitness to be determined, so far as practicable, by com-
6 petitive examination.

7 (d) No member of the legislature shall be held to
8 answer before any tribunal other than the legislature for
9 any speech or debate in the legislature and the members
10 shall in all cases, except treason, felony, or breach of the
11 peace, be privileged from arrest during their attendance at
12 the sessions of the legislature and in going to and returning
13 from the same.

14 (e) Each member of the legislature shall be paid the
15 sum of \$15 per day for each day's attendance while the legis-
16 lature is in session. Each member of the legislature who is
17 away from the island of his residence shall also receive for
18 each day's attendance while the legislature is in session, in
19 lieu of his actual expenses for subsistence, a per diem allow-
20 ance in accordance with the provisions of the Travel Expense
21 Act of 1949 (63 Stat. 166; 5 U. S. C., 1946 edition, Supp.
22 V, sec. 835 and the following), and shall be reimbursed for
23 his travel expenses in going to and returning from each ses-
24 sion, or period thereof, in accordance with the provisions of

1 said Act. The salaries, per diem, and travel allowances of
2 the members of the legislature shall be paid by the Govern-
3 ment of the Virgin Islands.

4 (f) No member of the legislature shall hold or be
5 appointed to any office which has been created by the legis-
6 lature, or the salary or emoluments of which have been
7 increased, during the term for which he was elected, or
8 during one year after the expiration of such term.

9 (g) The legislature shall be the sole judge of the elec-
10 tions and qualifications of its members, shall have and exercise
11 all the authority and attributes inherent in legislative assem-
12 blies, and shall have the power to institute and conduct
13 investigations, issue subpoenas to witnesses and other parties
14 concerned, and administer oaths. The rules of the Legislative
15 Assembly of the Virgin Islands existing on the date of
16 approval of this Act shall continue in force and effect for
17 sessions of the legislature, except as inconsistent with this
18 Act, until altered, amended, or repealed by the legislature.

19 (h) The Governor shall fill any vacancy in the office
20 of member of the legislature by appointment of a person who,
21 if the vacant office is that of a representative from a district,
22 shall be a resident of the district from which the member
23 whose office is vacant was elected, but the person so ap-
24 pointed shall serve only until the next general election, at

1 which time the office shall be filled by election for the
2 remainder of the unexpired term.

3 SEC. 7. (a) Regular sessions of the legislature shall be
4 held annually, commencing on the first day of January, or on
5 such other day as the legislature may prescribe by law, and
6 may be adjourned from time to time to a future date, but the
7 period or periods during which the legislature is in regular
8 session during any calendar year shall not exceed in the
9 aggregate sixty calendar days. The Governor may call spe-
10 cial sessions of the legislature at any time when in his
11 opinion the public interests may require it, but no special
12 session shall continue longer than fifteen calendar days, and
13 the aggregate of such special sessions during any calendar
14 year shall not exceed thirty calendar days. No legislation
15 shall be considered at any special session other than that
16 specified in the call therefor or in any special message by
17 the Governor to the legislature while in such session.

18 (b) The first regular session of the legislature shall be
19 held in the capitol of the Virgin Islands at Charlotte Amalie,
20 Saint Thomas, and thereafter regular session shall alternately
21 be held in Christiansted, Saint Croix, and Charlotte Amalie,
22 Saint Thomas.

23 SEC. 8. (a) The legislative authority and power of the

1 Virgin Islands shall extend to all subjects of local applica-
2 tion not inconsistent with this Act or the laws of the United
3 States made applicable to the Virgin Islands, but no law
4 shall be enacted which would impair rights existing or aris-
5 ing by virtue of any treaty or international agreement
6 entered into by the United States, nor shall the lands or
7 other property of nonresidents be taxed at a higher rate than
8 the lands or other property of residents.

9 (b) The laws of the United States applicable to the
10 Virgin Islands on the date of approval of this Act, includ-
11 ing laws made applicable to the Virgin Islands by or
12 pursuant to the provisions of the Act of June 22, 1936
13 (49 Stat. 1807), and all local laws and ordinances in force
14 in the Virgin Islands on the date of approval of this Act
15 shall, to the extent they are not inconsistent with this Act,
16 continue in force and effect until otherwise provided by the
17 Congress: *Provided*, That the legislature shall have power,
18 when within its jurisdiction and not inconsistent with the
19 other provisions of this Act, to amend, alter, modify, or
20 repeal any law of the United States of local application only,
21 or any local law or ordinance, public or private, civil or
22 criminal, continued in force and effect by this Act, and to
23 enact new laws not inconsistent with any law of the United
24 States applicable to the Virgin Islands on the date of the
25 approval of this Act that is not of local application only,

1 or with any law of the United States hereafter made ap-
2 plicable to the Virgin Islands, subject to the power of
3 Congress to annul any such act of the legislature.

4 (c) The President of the United States shall appoint a
5 commission of seven persons, at least three of whom shall be
6 residents of the Virgin Islands, to survey the field of Federal
7 statutes and to make recommendations to the Congress within
8 twelve months after the date of approval of this Act as to
9 which statutes of the United States not applicable to the
10 Virgin Islands on such date should be made applicable to the
11 Virgin Islands, and as to which statutes of the United States
12 applicable to the Virgin Islands on such date should be
13 declared inapplicable. The members of the commission shall
14 receive no salary for their service on the commission, but
15 under regulations and in amounts prescribed by the Secretary
16 of the Interior, they may be paid reasonable per diem fees,
17 and allowances in lieu of subsistence expenses, for attendance
18 at meetings of the commission, and for time spent on official
19 business of the commission, and their necessary travel ex-
20 penses to and from meetings or when upon such official busi-
21 ness, without regard to the Travel Expense Act of 1949.

22 (d) The Governor of the Virgin Islands shall arrange
23 for the preparation and publication, at Federal expense, of a
24 code of laws of the Virgin Islands, to be entitled "Virgin
25 Islands Code", which shall be a consolidation and codifica-

1 tion of the local laws of the Virgin Islands. The Virgin
2 Islands Code and any supplement thereto shall be printed, at
3 Federal expense, by the Government Printing Office as a
4 public document.

5 SEC. 9. (a) The quorum of the legislature shall consist
6 of an absolute majority of all its members. No bill shall be-
7 come a law unless it shall have been passed, at a meeting at
8 which a quorum was present, by a majority vote of the mem-
9 bers present and voting, which vote shall be by yeas and
10 nays.

11 (b) The enacting clause of all acts shall be as follows:
12 "Be it enacted by the Legislature of the Virgin Islands".

13 (c) The Governor shall submit at the opening of each
14 regular session of the legislature a message on the state of
15 the Virgin Islands and a budget of estimated receipts and
16 expenditures, which shall be the basis of the appropriation
17 bills for the ensuing fiscal year.

18 (d) Every bill passed by the legislature shall, before
19 it becomes a law, be presented to the Governor. If the Gov-
20 ernor approves the bill, he shall sign it. If the Governor
21 disapproves the bill, he shall, except as hereinafter provided,
22 return it, with his objections, to the legislature within ten
23 days (Sundays excepted) after it shall have been presented
24 to him. If the Governor does not return the bill within such

1 period, it shall be a law in like manner as if he had signed it,
2 unless the legislature by adjournment prevents its return, in
3 which case it shall be a law if signed by the Governor within
4 thirty days after it shall have been presented to him; other-
5 wise it shall not be a law. When a bill is returned by the
6 Governor to the legislature with his objections, the legisla-
7 ture shall enter his objections at large on its journal and
8 proceed to reconsider the bill. If, after such reconsideration,
9 two-thirds of all the members of the legislature agree to pass
10 the bill, it shall be presented anew to the Governor. If he
11 then approves it, he shall sign it; if not, he shall within ten
12 days after it has been presented to him transmit it to the
13 President of the United States. If the President approves
14 the bill, he shall sign it. If he disapproves the bill, he shall
15 return it to the Governor, so stating, and it shall not be a
16 law. If the President neither approves nor disapproves the
17 bill within ninety days from the date on which it is trans-
18 mitted to him by the Governor, the bill shall be a law in like
19 manner as if the President had signed it. If any bill pre-
20 sented to the Governor contains several items of appropria-
21 tion of money, he may object to one or more of such items,
22 or any part or parts, portion or portions thereof, while ap-
23 proving the other items, parts, or portions of the bill. In such
24 a case he shall append to the bill, at the time of signing it, a

1 statement of the items, or parts or portions thereof, to which
2 he objects, and the items, or parts or portions thereof, so
3 objected to shall not take effect.

4 (e) If at the termination of any fiscal year the legis-
5 lature shall have failed to pass appropriation bills providing
6 for payment of the obligations and necessary current ex-
7 penses of the Government of the Virgin Islands for the
8 ensuing fiscal year, then the several sums appropriated in
9 the last appropriation bills for the objects and purposes
10 therein specified, so far as the same may be applicable, shall
11 be deemed to be reappropriated item by item.

12 (f) The legislature shall keep a journal of its proceed-
13 ings and publish the same. Every bill passed by the legis-
14 lature and the yeas and nays on any question shall be entered
15 on the journal.

16 (g) Copies of all laws enacted by the legislature shall
17 be transmitted annually by the Governor to the Secretary
18 of the Interior and by him to the Congress of the United
19 States.

20 SEC. 10. The next general election in the Virgin Islands
21 shall be held on November 2, 1954. At such time there shall
22 be chosen the entire membership of the legislature as herein
23 provided. Thereafter the general elections shall be held on
24 the first Tuesday after the first Monday in November, begin-
25 ning with the year 1956, and every two years thereafter.

1 The Municipal Council of Saint Thomas and Saint John,
2 and the Municipal Council of Saint Croix, existing on the
3 date of approval of this Act, shall continue to function until
4 January 1, 1955, at which time all of the functions, property,
5 personnel, records, and unexpended balances of appropria-
6 tions of the governments of said municipalities shall be
7 transferred to the Government of the Virgin Islands.

8 EXECUTIVE BRANCH

9 SEC. 11. The executive power of the Virgin Islands shall
10 be vested in an executive officer whose official title shall be
11 the "Governor of the Virgin Islands", and shall be exercised
12 under the supervision of the Secretary of the Interior. The
13 Governor of the Virgin Islands shall be appointed by the
14 President, by and with the advice and consent of the Senate,
15 and shall hold office at the pleasure of the President and
16 until his successor is chosen and qualified. The Governor
17 shall reside in the Virgin Islands during his official incum-
18 bency. He shall have general supervision and control of all
19 the departments, agencies, and other instrumentalities of the
20 executive branch of the Government of the Virgin Islands.
21 He may grant pardons and reprieves and remit fines and
22 forfeitures for offenses against the local laws, and may grant
23 respites for all offenses against the laws of the United States
24 applicable in the Virgin Islands until the decision of the
25 President can be ascertained. He may veto any legislation

1 as provided in this Act. He shall appoint all officers and
2 employees of the executive branch of the Government of the
3 Virgin Islands, except as otherwise provided in this Act, and
4 shall commission all officers that he may be authorized to
5 appoint. He shall be responsible for the faithful execution of
6 the laws of the Virgin Islands and the laws of the United
7 States applicable in the Virgin Islands. Whenever it becomes
8 necessary he may call upon the commanders of the military
9 and naval forces of the United States in the islands, or sum-
10 mon the posse comitatus, or call out the militia, to prevent or
11 suppress violence, invasion, insurrection, or rebellion; and
12 he may, in case of rebellion or invasion, or imminent danger
13 thereof, when the public safety requires it, suspend the privi-
14 lege of the writ of habeas corpus, or place the islands, or any
15 part thereof, under martial law, until communication can be
16 had with the President and the President's decision thereon
17 made known. He shall annually, and at such other times as
18 the President or the Congress may require, make official
19 report of the transactions of the Government of the Virgin
20 Islands to the Secretary of the Interior, and his said annual
21 report shall be transmitted to the Congress. He shall perform
22 such additional duties and functions as may, in pursuance
23 of law, be delegated to him by the President, or by the
24 Secretary of the Interior. He shall have the power to issue

1 executive regulations not in conflict with any applicable law.
2 He may attend or may designate another person to represent
3 him at the meetings of the legislature, may give expression
4 to his views on any matter before that body, and may intro-
5 duce bills in the legislature.

6 SEC. 12. The President shall appoint a Government
7 Secretary for the Virgin Islands, who shall have custody of
8 the seal of the Virgin Islands and shall countersign and affix
9 such seal to all executive proclamations and all other execu-
10 tive documents. He shall record and preserve the laws
11 enacted by the legislature. He shall promulgate all procla-
12 mations and orders of the Governor and all laws enacted by
13 the legislature. He shall have such executive powers and
14 perform such other duties as may be assigned to him by the
15 Governor.

16 SEC. 13. In case of a vacancy in the office of Governor
17 or the disability or temporary absence of the Governor, the
18 Government Secretary shall have all the powers of the
19 Governor.

20 SEC. 14. The Secretary of the Interior may from time
21 to time designate the head of an executive department of the
22 Government of the Virgin Islands to act as Governor in the
23 case of a vacancy in the offices, or the disability or temporary

1 absences, of both the Governor and the Government Secre-
2 tary, and the person so designated shall have all the powers
3 of the Governor for so long as such condition continues.

4 SEC. 15. (a) The Governor shall, within one year
5 after the date of approval of this Act, reorganize and con-
6 solidate the existing executive departments, independent
7 boards, agencies, authorities, commissions, and other instru-
8 mentalities of the Government of the Virgin Islands or of
9 the municipal governments into not more than nine executive
10 departments, except for independent bodies whose existence
11 may be required for participation in Federal programs and
12 agencies which are temporary or advisory in nature.

13 (b) The Governor shall, from time to time, examine
14 the organization of the executive branch of the Government
15 of the Virgin Islands, and shall make such changes therein,
16 not inconsistent with this Act, as he determines are necessary
17 to promote effective management and to execute faithfully
18 the purposes of this Act and the laws of the Virgin Islands.

19 (c) The heads of the executive departments shall be
20 appointed by the Governor, with the advice and consent of
21 the legislature. Each shall hold office during the continu-
22 ance in office of the Governor by whom he is appointed
23 and until his successor is appointed and qualified, unless
24 sooner removed by the Governor.

25 SEC. 16. (a) There shall be appointed by the Governor,

1 with the advice and consent of the legislature, an Auditor
2 who shall hold office for a term of six years and until his
3 successor is appointed and qualified. The Auditor shall audit
4 and settle all accounts and claims pertaining to the revenues
5 and receipts from whatever source of the Government of the
6 Virgin Islands, and he shall audit and settle, in accordance
7 with law and administrative regulations, all expenditures of
8 funds and property pertaining to or held in trust by the
9 Government of the Virgin Islands.

10 (b) The Auditor shall, with the approval of the Gov-
11 ernor, from time to time promulgate general and special
12 rules and regulations not inconsistent with law covering the
13 methods of accounting for public funds and property, and
14 funds and property held in trust by the Government of the
15 Virgin Islands or any of its branches. As soon after the
16 close of each fiscal year as the accounts of said fiscal year may
17 be examined and adjusted, the Auditor shall submit to the
18 Governor an annual report of the fiscal condition of the
19 government, showing the receipts and disbursements of the
20 various departments and agencies of the government. The
21 Auditor shall make such other reports as may be required
22 of him by the Governor, the Comptroller General of the
23 United States, or the Secretary of the Interior.

24 (c) The decisions of the Auditor shall be final, except
25 that any party aggrieved thereby or the head of the depart-

1 ment concerned may, within one year from the date of a
2 decision, take an appeal therefrom to the Governor, which
3 appeal shall be in writing and shall specifically set forth the
4 particular action of the Auditor to which exception is taken,
5 with the reasons and authorities relied upon for reversing
6 such decision. The decision of the Governor in such case
7 shall be final, subject to such right of action as may be other-
8 wise provided by law.

9 (d) The office of the Auditor shall be under the general
10 supervision and control of the Governor, but shall not be a
11 part of any executive department.

12 SEC. 17. (a) The Governor shall receive an annual
13 salary at the rate provided for Governors of Territories and
14 possessions in the Executive Pay Act of 1949.

15 (b) The Government Secretary, the heads of the execu-
16 tive departments, the Auditor, and the members of the
17 immediate staffs of the Governor and the Government Secre-
18 tary shall receive annual salaries at rates established by the
19 Secretary of the Interior in accordance with the standards
20 provided in the Classification Act of 1949.

21 (c) The salaries of the Governor, the Government Secre-
22 tary, and the members of their immediate staffs shall be paid
23 by the United States. The salaries of the Auditor and the
24 heads of the executive departments shall be paid by the
25 Government of the Virgin Islands; and if the legislature

1 shall fail to make an appropriation for such salaries, the
2 salaries theretofore fixed shall be paid without the necessity
3 of further appropriations therefor.

4 JUDICIAL BRANCH

5 SEC. 18. The judicial power of the Virgin Islands shall
6 be vested in a court of record to be designated the "District
7 Court of the Virgin Islands", and in such court or courts of
8 inferior jurisdiction as may have been or may hereafter be
9 established by local law.

10 SEC. 19. The District Court of the Virgin Islands shall
11 have the jurisdiction of a district court of the United States
12 in all causes arising under the Constitution treaties and laws
13 of the United States and shall have general original jurisdic-
14 tion in all causes arising under the local law in force in the
15 Virgin Islands. The district court shall also have appellate
16 jurisdiction to review the judgments and orders of the inferior
17 courts of the Virgin Islands to the extent now or hereafter
18 prescribed by local law.

19 SEC. 20. The inferior courts now or hereafter estab-
20 lished by local law shall have jurisdiction, concurrently with
21 the District Court of the Virgin Islands, of all civil causes
22 in which the principal sum claimed does not exceed \$500,
23 all criminal causes wherein the punishment that may be im-
24 posed does not exceed a fine of \$100 or imprisonment for six
25 months, all violations of police and executive regulations, and

1 all causes, civil or criminal, in which jurisdiction may here-
2 after be conferred upon them by local law. The inferior
3 courts shall hold preliminary investigations in charges of
4 felony and charges of misdemeanor in which the punishment
5 that may be imposed is beyond the jurisdiction granted to
6 the inferior courts by this section, and shall commit offenders
7 to the district court and grant bail in bailable cases. The
8 rules governing the inferior courts and prescribing the duties
9 of the judges and officers thereof, oaths and bonds, the times
10 and places of holding court, the disposition of fines, costs and
11 forfeitures, the enforcement of judgments, the procedure for
12 appeals to the district court, and the disposition and treat-
13 ment of prisoners shall be established by law or ordinance
14 in force on the date of approval of this Act or as may
15 hereafter be established by the district court.

16 SEC. 21. The President shall, by and with the advice
17 and consent of the Senate, appoint a judge for the District
18 Court of the Virgin Islands, who shall hold office for the term
19 of eight years and until his successor is chosen and qualified,
20 unless sooner removed by the President for cause. The sal-
21 ary of the judge of the district court shall be at the rate of
22 \$15,000 per year. The Chief Justice of the United States
23 may assign any United States circuit or district judge, with
24 his consent, to serve as a judge in the District Court of the
25 Virgin Islands whenever it is made to appear that such an

1 assignment is necessary for the proper dispatch of the busi-
2 ness of the court. The provisions of chapter 49 of title 28,
3 United States Code, shall apply to the District Court of the
4 Virgin Islands. The compensation of the judge of the dis-
5 trict court and the administrative expenses of the court shall
6 be paid from appropriations made for the Judiciary of the
7 United States. The Attorney General shall, as heretofore,
8 appoint a marshal for the Virgin Islands to whose office the
9 provisions of chapter 33 of title 28, United States Code, shall
10 apply.

11 SEC. 22. The Virgin Islands shall consist of two judicial
12 divisions, one constituted by the island of Saint Croix, and
13 one constituted by the islands of Saint Thomas and Saint
14 John. The district court shall hold sessions in each division
15 at such time as the court may designate by rule or order, at
16 least once in three months in each division. The practice and
17 procedure in the district court shall be as prescribed by rules
18 and orders of the court. The process of the district court
19 shall run throughout the Virgin Islands.

20 SEC. 23. In any criminal case originating in the district
21 court, no person shall be denied the right to trial by jury
22 on the demand of either party. If no jury is demanded the
23 case shall be tried by the judge of the district court without
24 a jury, except that the judge may, on his own motion, order
25 a jury for the trial of any criminal action. The legislature

1 may provide for trial in misdemeanor cases by a jury of six
2 qualified persons.

3 SEC. 24. The President shall, by and with the advice
4 and consent of the Senate, appoint a district attorney for the
5 Virgin Islands, who shall hold office for the term of four
6 years and until his successor is chosen and qualified, unless
7 sooner removed by the President for cause. The district
8 attorney shall conduct all legal proceedings, civil and criminal,
9 for the Government of the United States in the District
10 Court of the Virgin Islands and in the inferior courts of the
11 Virgin Islands. Offenses against the laws of the Virgin
12 Islands shall be prosecuted by him in the name of the people
13 of the Virgin Islands. The district attorney shall perform
14 his duties under the supervision and direction of the Attorney
15 General of the United States. The Attorney General may
16 appoint one or more assistant district attorneys and may
17 authorize the employment of necessary clerical and other
18 assistants. The compensation of the district attorney and his
19 assistants and employees shall be fixed by the Attorney
20 General and their salaries and the other necessary expenses
21 of the office shall be paid from appropriations made to the
22 Department of Justice. In the case of a vacancy in the office
23 of the district attorney, the District Court of the Virgin
24 Islands may appoint a district attorney to serve until the

1 vacancy is filled. The order of appointment by the court
2 shall be filed with the clerk of the court.

3 RESIDENT COMMISSIONER

4 SEC. 25. (a) The Virgin Islands shall be represented
5 by a Resident Commissioner to the United States. The Resi-
6 dent Commissioner shall be elected by the qualified voters
7 of the Virgin Islands at the general election to be held on
8 November 2, 1954, and at the general election every two
9 years thereafter. His term of office shall begin on the 3d
10 day of January following his election and be for a period of
11 four years, and until his successor has been elected and
12 qualified.

13 (b) No person shall be eligible to be Resident Com-
14 missioner from the Virgin Islands unless he possesses all the
15 qualifications of a representative to the legislature. In case
16 of a vacancy in the office of Resident Commissioner, the
17 Governor of the Virgin Islands shall, with the advice and
18 consent of the legislature, appoint a Resident Commissioner,
19 but the person so appointed shall serve only until his succes-
20 sor is elected and qualified, and at the next general election
21 the office shall be filled by election for the remainder of the
22 unexpired term.

23 (c) The Resident Commissioner from the Virgin Islands
24 shall receive compensation payable monthly by the United

1 States. He shall be allowed (1) the same funds for station-
2 ery and for the pay of necessary clerk hire as are allowed
3 Members of the House of Representatives of the United
4 States, (2) the sum of \$500 as mileage for each session
5 of the House of Representatives, and (3) the franking
6 privilege granted Members of Congress. The compensation
7 and mileage of the Resident Commissioner shall be paid by
8 the Sergeant-at-Arms of the House of Representatives in
9 the same manner as the compensation and mileage of Mem-
10 bers of the House of Representatives are paid.

11 (d) Section 601 (a) of the Legislative Reorganization
12 Act of 1946 (60 Stat. 812, 850), as amended (2 U. S. C.,
13 1946 edition, Supp. V, sec. 31), is further amended by
14 striking out “and the Resident Commissioner from Puerto
15 Rico” and inserting in lieu thereof “the Resident Commis-
16 sioner from Puerto Rico, and the Resident Commissioner
17 from the Virgin Islands”.

18 (e) Section 601 (b) of the Legislative Reorganization
19 Act of 1946 (60 Stat. 812, 850), as amended (2 U. S. C.,
20 1946 edition, Supp. V, sec. 31a), is further amended by
21 inserting “and Resident Commissioner from the Virgin
22 Islands,” after “Puerto Rico,”.

23 (f) Section 122 of the Legislative Reorganization Act
24 of 1946 (60 Stat. 812, 830) is amended to read as follows:

1 “DELEGATES AND RESIDENT COMMISSIONERS

2 “SEC. 122. Rule XII of the Standing Rules of the House
3 of Representatives is amended to read as follows:

4 “ ‘RULE XII

5 “ ‘DELEGATES AND RESIDENT COMMISSIONERS

6 “ ‘The Delegate from Hawaii and the Resident Com-
7 missioners to the United States from Puerto Rico and the
8 Virgin Islands shall be elected to serve as additional mem-
9 bers on the Committees on Agriculture, Armed Services, and
10 Interior and Insular Affairs, and the Delegate from Alaska
11 shall be elected to serve as an additional member on the
12 Committees on Agriculture, Armed Services, Merchant
13 Marine and Fisheries, and Interior and Insular Affairs; and
14 they shall possess in such committees the same powers and
15 privileges as in the House, and may make any motion except
16 to reconsider.’ ”

17 (g) Section 3A (10) of the Civil Service Retirement
18 Act of May 29, 1930 (46 Stat. 468), as amended (5
19 U. S. C., 1946 edition, sec. 693-1 (10)), is further
20 amended by striking out “or the Resident Commissioner from
21 Puerto Rico” and inserting in lieu thereof “the Resident Com-
22 missioner from Puerto Rico, or the Resident Commissioner
23 from the Virgin Islands”.

24 (h) The second and fourth provisos in section 1 of the

1 Act entitled "An Act to increase clerk hire, and for other
2 purposes", approved December 20, 1944 (58 Stat. 831), as
3 amended (2 U. S. C., 1946 edition, Supp. V, sec. 60g),
4 are further amended by striking out "the Resident Commis-
5 sioner from Puerto Rico" and inserting in lieu thereof "Resi-
6 dent Commissioners".

7 (i) The fifth paragraph in the joint resolution entitled
8 "Joint resolution relating to the assignment of space in the
9 House Office Building", approved May 28, 1908 (35 Stat.
10 579), as amended (40 U. S. C., 1946 edition, sec. 182), is
11 further amended to read as follows:

12 "In the matter of the assignment of rooms under this
13 resolution, Delegates and Resident Commissioners shall be
14 treated the same as Representatives."

15 FISCAL PROVISIONS

16 SEC. 26. (a) The proceeds of customs duties, the pro-
17 ceeds of the United States income tax, the proceeds of any
18 taxes levied by the Congress on the inhabitants of the Virgin
19 Islands, and the proceeds of all quarantine, passport, immi-
20 gration, and naturalization fees collected in the Virgin
21 Islands, less the cost of collecting all of said duties, taxes, and
22 fees, shall be covered into the treasury of the Virgin Islands,
23 and shall be available for expenditure as the Legislature of
24 the Virgin Islands may provide.

25 (b) Subchapter B of chapter 28 of the Internal Revenue

1 Code is amended by adding to section 3350 thereof the
2 following subsection:

3 “(c) DISPOSITION OF INTERNAL REVENUE COLLEC-
4 TIONS.—Beginning with the fiscal year ending June 30,
5 1954, the Secretary of the Treasury shall determine the
6 amount of all taxes imposed by, and collected during the
7 previous month under, the internal revenue laws of the United
8 States on articles produced in the Virgin Islands of the
9 United States and transported to the United States. The
10 amounts so determined less 1 per centum and less the esti-
11 mated amounts of refunds or credits shall be transferred
12 and paid over each month to the Government of the Virgin
13 Islands for expenditure as the Legislature of the Virgin
14 Islands may provide: *Provided*, That all sums paid into the
15 treasury of the Virgin Islands under this subsection shall
16 constitute a separate fund to be expended only for projects
17 or purposes approved by the President or his designated
18 representative.”

19 SEC. 27. (a) Taxes and assessments on property and
20 incomes, internal revenue taxes, license fees, and service fees
21 may be imposed and collected, and royalties for franchises,
22 privileges, and concessions granted may be collected for the
23 purposes of the Government of the Virgin Islands as may be
24 provided and defined by the legislature: *Provided*, That all
25 money hereafter derived from any tax levied or assessed for

1 a special purpose shall be treated as a special fund in the
2 treasury of the Virgin Islands and paid out for such purpose
3 only, except when otherwise authorized by the legislature
4 after the purpose for which such fund was created has been
5 accomplished.

6 (b) All laws concerning import duties and customs in
7 force and effect in and for the Virgin Islands on the date of
8 approval of this Act shall continue in force and effect until
9 otherwise provided by the Congress: *Provided*, That the
10 Secretary of the Treasury shall designate the several ports
11 and subports of entry in the Virgin Islands and shall make
12 such rules and regulations and appoint such officers and
13 employees as he may deem necessary for the administration
14 of the customs laws in the Virgin Islands; and he shall fix
15 the compensation of all such officers and employees and
16 provide for the payment of such compensations and other
17 expenses of the collection of duties, fees, and taxes imposed
18 under the customs laws from the receipts thereof. The ex-
19 port duties in effect on the date of approval of this Act may
20 be from time to time reduced, repealed, or restored by act
21 of the legislature, but no new export duties shall be levied
22 in the Virgin Islands except by the Congress.

23 MISCELLANEOUS PROVISIONS

24 SEC. 28. All officials of the Government of the Virgin
25 Islands shall be citizens of the United States, and before

1 entering upon the duties of their respective offices shall take
2 an oath to support the Constitution and the laws of the United
3 States applicable to the Virgin Islands and the laws of the
4 Virgin Islands.

5 SEC. 29. All reports required by law to be made by the
6 Governor to any official of the United States shall hereafter
7 be made to the Secretary of the Interior, and the President
8 is hereby authorized to place all matters pertaining to the
9 Government of the Virgin Islands under the jurisdiction of
10 the Secretary of the Interior, except matters relating to the
11 judicial branch of said government which on the date of
12 approval of this Act are under the supervision of the Director
13 of the Administrative Office of the United States Courts.

14 SEC. 30. (a) The Secretary of the Interior shall be au-
15 thorized to lease or to sell upon such terms as he may deem
16 advantageous to the Government of the United States any
17 property of the United States under his administrative super-
18 vision in the Virgin Islands not needed for public purposes.

19 (b) The Government of the Virgin Islands shall con-
20 tinue to have control over all public property that is under
21 its control on the date of approval of this Act.

22 SEC. 31. This Act shall take effect upon its approval,
23 but until its provisions shall severally become operative as
24 herein provided, the corresponding legislative, executive, and
25 judicial functions of the existing government shall continue

1 to be exercised as now provided by law or ordinance, and the
2 incumbents of all offices under the Government of the Virgin
3 Islands shall continue in office until their successors are ap-
4 pointed and have qualified unless sooner removed by com-
5 petent authority.

6 SEC. 32. Except to the extent necessary to implement
7 the provisions of section 31, the Act of June 22, 1936 (49
8 Stat. 1807), and any other provisions of law inconsistent
9 with this Act are hereby repealed.

83d CONGRESS
1ST Session

H. R. 5181

A BILL

To revise the Organic Act of the Virgin Islands
of the United States.

By Mr. MULLER of Nebraska

MAY 13, 1953

Referred to the Committee on Interior and Insular
Affairs

REVISION OF THE ORGANIC ACT OF THE VIRGIN ISLANDS

APRIL 29 (legislative day, APRIL 14), 1954.—Ordered to be printed

Mr. BUTLER of Nebraska, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany S. 3378]

The Committee on Interior and Insular Affairs reports favorably an original bill (S. 3378) to revise the Organic Act of the Virgin Islands of the United States and unanimously recommends that the bill do pass.

The chairman of the committee held extensive hearings throughout the Virgin Islands last autumn on three measures which he sponsored to revise the present Organic Act. After receiving his report and the hearings, the committee held extensive consultations with representatives of the executive agencies concerned, and thereupon wrote S. 3378 as a committee bill. Most of these provisions are adapted from one or the other of the bills before the committee together with such changes as the committee deemed necessary or desirable to make.

PURPOSE OF THE MEASURE

The purpose of S. 3378 is to provide a new organic act, or basic charter of civil government, for the people of the Virgin Islands of the United States. The present act dates from 1936 and is based in no small part on the old Danish colonial system in the islands, which was evolved before the days of modern communication. Substantial changes, political and economical, have taken place in the Virgin Islands in the 18 years since the first somewhat makeshift organic legislation was put together, and under modern conditions the 1936 law is proving unnecessarily cumbersome and inefficient as well as expensive for the mainland taxpayers.

The Virgin Islands of the United States have a population of approximately 25,000 and a land area of 133 square miles. There are no military installations in active use in the islands. Yet the present law sets up three separate local governments plus an elaborate central administration, which of itself has been costing the mainland taxpayers well over \$300,000 a year. In all, Federal appropriations

for the Virgin Islands, both direct and indirect, totaled some \$6 million for the fiscal year 1953. Attention is directed to extracts from the fiscal history of the Virgin Islands prepared by the Comptroller General of the United States, set forth in the appendix.

S. 3378 would eliminate much of this wasteful duplication in governments and governmental services, thus affording the islands more efficient and more truly representative government. At the same time, it would give a greater degree of autonomy, economic as well as political, to the people of the Virgin Islands.

And, of some importance, certainly, in this day of unbalanced Federal budgets, enactment of the bill would be a step forward toward the day when the Virgin Islands could be self-sustaining and the American citizens in the islands could contribute their fair share toward support of their Government.

HISTORY AND GEOGRAPHY OF THE VIRGIN ISLANDS

Because no major legislation affecting the Virgin Islands has been before the Senate for a number of years, the committee deems it desirable to present briefly a few facts concerning their history and geography. The Virgin Islands are a group of small islands of volcanic origin on the outer periphery of the Caribbean. They were discovered and named Las Virgenes by Christopher Columbus on his second voyage in 1493 in honor of St. Ursula and her companions. At the time they were inhabited, periodically, by sea-roving bands of Carib Indians.

Although they were under the flags of several European nations from time to time, the Danes were in more or less permanent possession, from the middle of the 17th century, of the group that became the Virgin Islands of the United States. Because of their position with respect to the ship lanes between the New World and the Old, the islands became a rendezvous for buccaneers during the 17th century.

The rise of sugar to a position of primary importance in world commodity markets plus their geographical location and the fine harbor at St. Thomas gave the islands a high degree of prosperity in the 19th century. They were literally cultivated "from hilltop to sea," and supported a population almost twice that of the present (more than 43,000 in 1835, in contrast to the 24,000 estimated by the United States census in 1952).

Negotiations for the purchase of the islands from Denmark were initiated in 1867, and in 1905 Denmark offered to sell them for \$5 million. Twelve years later, when we thought we needed them for our protection, the price had gone up by five times that amount.

During World War I, it was feared that Germany might overrun Denmark, as it subsequently did in World War II. This conquest would have given Germany a perfectly legitimate reason, legally, for establishing a naval and submarine base in the Virgin Islands, directly athwart interhemisphere ship lanes, and a direct menace to the Panama Canal. As a result, Secretary of State Lansing negotiated a treaty with Denmark under which the islands were ceded to the United States for \$25 million—approximately \$40 an acre—and the change of sovereignty was effected on March 31, 1917. The anniversary of the day—Transfer Day—is celebrated in the islands as a local holiday. There are some fifty-odd islands in the group ceded the United States, but only three, St. Thomas, St. John, and St. Croix are inhabited.

From 1917 until 1931, the Virgin Islands were under the administration of the Navy, and were governed by a naval governor with the advice and help of local colonial councils which had been established by the Danes. In 1931 President Herbert Hoover transferred the administrative responsibility for the Virgin Islands from the Navy to the Department of the Interior, and a civilian governor, Paul M. Pearson, was appointed.

Meanwhile, in 1927 under President Coolidge, full American citizenship had been extended to the citizens of the Virgin Islands who did not declare their wish to retain another nationality.

PRESENT GOVERNMENTAL ORGANIZATION

The act of June 22, 1936 (49 Stat. 1807; found in 48 U. S. C. 1391, et. seq.) established an elaborate system of civil government for the 25,000 people of the Virgin Islands, with an elected legislature, called a municipal council after the advisory body to the Danish Governor, of 7 members for the islands of St. Thomas (population 11,265 in 1940), and St. John (population 722 in 1940), and another municipal council of 9 members for the islands of St. Croix (population 12,902 in 1940), 40 miles away. Together these two municipal councils form a 16-man legislative assembly, which is required to meet once a year to enact islandwide legislation.

The organic act is silent on the length of the session of the municipal councils and the compensation of their members. As a result, the councils have voted themselves annual salaries of up to \$2,300 a year, plus expenses, and are more or less in continuous session, *de facto*.

For the fiscal year 1953, local legislative costs were \$99,010.07. The same year, \$745,000 was appropriated out of the Federal Treasury as a grant to the municipalities to cover deficits in their operating expenses. It is significant to contrast the \$99,010.07 legislative budget for 1953 with that for the year 1929-30 when the legislative budget totaled \$6,627.20. Thus, legislative costs in the Virgin Islands are more than 13 times greater today than 24 years ago.

The duplication in the legislative structure is repeated in the executive branch. There are 2 separate police departments and police courts; 2 departments of education, health, public welfare, public works, and the like.

In addition, there has been a marked tendency to set up myriad boards, commissions, and councils after the manner of the infinitely more complex Federal, State, county, and municipal governments on the mainland.

In justification of this wasteful and inefficient overlapping and duplication, apologists for the present system have contended that the Virgin Islands government has to fulfill all of the functions of State, county, and municipal governments on the mainland, and that the principal islands—St. Thomas and St. Croix—are separated by 40 miles of ocean. However, the committee is impressed by the fact that there are not more than 25,000 persons in the Virgin Islands; that there is telephone and telegraph service between the two islands; and that commercial airplanes make regular daily flights from one to the other. St. Thomas and St. Croix are only 20 minutes apart by air.

Hands of Governor tied

Administratively, one of the worst features of the present organic act, which S. 3378 would supplant, is the unprecedented power of the local legislature over all executive appointments. The Governor must obtain the approval of the council of the municipality concerned before he can fill any job in the local government, regardless of how menial the task to be performed may be. Such legislative control over the executive makes good administration difficult, and in the past has led to no little politicking in government jobs.

MAJOR POINTS AT ISSUE IN THE PROPOSED LEGISLATION

Grant of internal revenue taxes

Spokesmen for what is unquestionably a large majority of the people of the Virgin Islands long have vigorously urged that the internal revenue taxes paid by mainland consumers on Virgin Islands products imported into the mainland should be granted to the local treasuries for expenditure by the local legislatures. These revenues are primarily excise taxes on Virgin Islands rum, amounting to some \$3½ million a year or so at present rates.

Such a grant of excise taxes has been made for many years to Puerto Rico, with which the Virgin Islands are competitive in rum, sugar, and tourism. More recently, the Congress granted such taxes to Guam, also. Federal income taxes paid by residents of the Virgin Islands, amounting upwards to three-fourths of a million dollars a year, now are covered into the insular treasuries for appropriation by the local legislature, as are all customs and import duties. The same is also true with respect to Guam and to Puerto Rico, except that Puerto Rico is not subject to the Federal income tax but levies and spends its own. The Puerto Rican income tax is, however, comparable to the Federal tax.

The people of the Virgin Islands have been waging a strenuous campaign for a grant to them of the excise taxes as well, asserting that without such a grant they are in an unfavorable competitive position with respect to nearby Puerto Rico, which uses the tax money to promote tourism, Puerto Rican rum, and for tax incentives for the establishment of industries.

Policy question presented

The committee urges that the Senate give serious consideration to the basic policy question of exempting certain groups of American citizens from making any contribution to the financial support of the American Government. Such is the case now in Guam and Puerto Rico, and except for the excise taxes, in the Virgin Islands as well. Guam clearly is a special case as a result of the almost total destruction of the island during World War II. As to Puerto Rico, its population of 2¼ million is ninety-odd times as large as that of the Virgin Islands. Yet even with all of the income taxes and excise taxes on Puerto Rican products, the budget of Puerto Rico is only 40 times greater than that of the Virgin Islands.

On the other hand, as against the principle that American citizens should support their Government, the committee has had to face the fact that the Virgin Islands, after 37 years under the American flag, have not yet attained a sufficiently high state of development to

enable them to support an American standard of living without special aid from the Federal Treasury. Hitherto, that aid has taken the form of direct appropriations to meet the deficits in the operating expenses of the two municipal governments, and to pay the entire costs of the elaborate central administration. This central administration includes not only the Governor and his staff, but most of the department heads of the local government, such as the 2 superintendents of schools, the 2 public works department heads, the 2 health departments, and the like.

Every year, spokesmen for the people of the Virgin Islands have had to come before the Appropriations Committees requesting grants of funds to support their local government. The Congress has appropriated such sums as it saw fit, more or less on a handout basis. Such a system and procedure has not been conducive to the development of public responsibility, initiative, and thrift on the part of the people and their elected representatives. To far too great an extent, officials have been judged by what they have been able to obtain in the way of such handouts from the Federal Government, rather than what contributions toward self-sufficiency and economic as well as political autonomy they were able to make to the people.

The matching funds grant

To remedy this situation, the committee has worked out a limited return or grant of the internal revenue taxes on Virgin Islands products. For every dollar of local revenue, including Federal income taxes, which the people of the islands raise, a dollar of the internal revenue taxes on Virgin Islands products would be granted to them, automatically.

Under these provisions, the people of the Virgin Islands would have a far greater degree of control over their finances than under the present system. They would not have to come petitioning the Congress each year for money for specified purposes by which to support their local government, as at present.

Local revenues amounted to approximately \$2 million last year. Under the matching funds provision, another \$2 would be granted to the islands' treasury. Thus, there would be some \$4 million available for appropriation by the Virgin Islands legislature, without the controls and restrictions which attach necessarily to the specific purpose of Federal appropriations of the past.

The salary of the Governor and his immediate executive staff would continue to be paid by the Federal Government, and the islands would continue to participate in certain Federal programs.

Tax recommendations

The committee deems it in order to express the hope that the Virgin Islands legislature, in its efforts to raise more local revenues so that a larger amount of the excise tax moneys will accrue to the Virgin Islands treasury, will not succumb to the temptation to take the easy way out by merely laying additional burdens upon business enterprise in the Virgin Islands. Tourism is perhaps the foremost income-producing activity in the Virgin Islands and is susceptible to much greater development. Tax burdens which would cause price rises in accommodations, goods, and services inevitably would drive tourists to competing foreign Caribbean resorts.

Rather, the committee recommends that the people of the Virgin Islands bend their efforts to stimulating and increasing business in every way possible, that they increase greatly their agricultural and cattle production by bringing the thousands upon thousands of acres of idle land into use, and that they endeavor to attract light industry—a program which Puerto Rico has adopted so successfully. Also, it is pointed out that property taxes account for less than 8 percent of local revenues in the Virgin Islands whereas a full 30 percent of State, county, and municipal revenues on the mainland are derived from property taxes.

The 1953 plebiscite

On April 30, 1953, a plebiscite was held in the Virgin Islands on the following questions with the results, as certified by the then Governor, Hon. Morris F. de Castro, set forth:

BY THE GOVERNOR OF THE VIRGIN ISLANDS OF THE UNITED STATES

A PROCLAMATION

RESULTS OF 1953 REFERENDUM

Whereas the Seventeenth Legislative Assembly of the Virgin Islands of the United States, 1953 session, passed an Act to provide for a Referendum on certain amendments to the Organic Act of the Virgin Islands to be conducted on April 30, 1953, in the respective municipalities of the Virgin Islands; and

Whereas the said Act provided that, after receipt of information from the Chairman of each Election Board as to the votes on the questions, the Governor shall forthwith issue a proclamation giving the whole number of votes cast for and against each question; and

Whereas, on April 30, 1953, there were 6,348 voters in the Virgin Islands of whom 1,820 cast their ballots in the Referendum;

Now, therefore, I, MORRIS F. DE CASTRO, Governor of the Virgin Islands of the United States, do hereby, in accordance with law, publish and promulgate the whole number of votes cast in the Virgin Islands for and against each question submitted to the voters as follows:

	Affirmative	Negative
1. Do you favor the creation of a single legislature for the Virgin Islands?.....	1, 190	543
2. Do you favor the creation of a single treasury for the Virgin Islands?.....	1, 142	578
3. Do you favor the election of the Governor by the people of the Virgin Islands?.....	966	767
4. Do you favor a Resident Commissioner for the Virgin Islands in the Congress of the United States?.....	1, 392	370

In witness whereof I have hereunto set my hand and the seal of the Government of the Virgin Islands of the United States, at Charlotte Amalie, St. Thomas, Virgin Islands, this 11th day of May, A. D. 1953.

MORRIS F. DE CASTRO, *Governor*.

Attest:

DANIEL W. AMBROSE,
Government Secretary.

Unification of legislature and executive departments

The hearings in the Virgin Islands as well as the plebiscite show that, except for the Chamber of Commerce of St. Croix, which fears domination by the more populous island of St. Thomas, virtually all groups favor a single, unicameral legislature, and a unification of the two expensive, duplicate local governments. S. 3378 would bring about such unification, establishing a single islandwide legislature, and directing the Governor to reorganize the two municipal govern-

ments into a single Virgin Islands government of not more than nine executive departments.

Of great importance to good administration, the legislature would approve the appointment of department heads only. This provision does not meet with the approval of certain members of the present legislature.

More vigorously opposed, however, by present officeholders are the provisions which would limit the sessions of the 11-member legislature to 60 days with not more than 2 special sessions of 15 days each, and would limit compensation. Even with such a limitation, the legislature would be as well paid or better paid than the members of the legislatures of a number of the States of the United States, with many, many times the population and responsibilities of the Virgin Islands.

For example, under the provisions of S. 3378, the Virgin Islands Legislature would be on a basis of equality, more or less, with the legislatures of the following States:

Compensation of legislators

[From material supplied by the Legislative Reference Service, Library of Congress]

	Compensation	Length of session
		<i>Days</i>
Arizona.....	\$8.....	60
Florida.....	\$10.....	
Idaho.....	\$10.....	60
Montana.....	\$10.....	
Nevada.....	\$15, up to a total compensation of \$900.....	
New Mexico.....	\$10.....	
North Carolina.....	\$600 for session.....	
Oklahoma.....	\$15.....	75
Oregon.....	\$600 a year.....	
Rhode Island.....	\$500.....	60
Tennessee.....	\$400.....	75
Texas.....	\$10.....	
Utah.....	\$500 a year.....	
West Virginia.....	\$500.....	
Wyoming.....	\$12.....	

Legislative representation

S. 3378 provides that the unicameral legislature would be made up of 11 members, 2 from St. Thomas, 2 from St. Croix, 1 from St. John, and 6 at large. In elections of representatives at large, however, each Virgin Island voter would vote for no more than two such representatives. This limitation is of very great importance in guaranteeing some representation to the principal minority groups residing in the islands and in balancing the geographical representation of the legislature. By restricting the number of representatives at large for whom an elector can vote to two, sizable minorities would be given some assurance of having representation in the legislature and consequently of having a voice in the affairs of the territorial government. Furthermore, the voters of St. Croix and St. John would be protected from being inevitably outvoted by the electors of the more populous St. Thomas.

Elective Governor

The idea of an elective Governor appeals strongly to many members of the committee, as is shown by the chairman's sponsorship of the measure in the 80th Congress by which Puerto Rico was given the

right to elect its own Governor. Also, several members in the past have sponsored elective Governor bills for Alaska and Hawaii.

However, the committee does not believe that the Virgin Islands are ready yet for such political responsibility. The firmest yardstick of political maturity is the industry, self-reliance, and determination of a people to work out their economic destiny. Furthermore, Puerto Rico had been American for nearly half a century when the Puerto Rican elective governor bill was passed. But the Virgin Islands came under the American flag in 1917—only 37 years ago.

The committee believes that the Congress should wait and see how the people of the Virgin Islands handle the new, greater political and economic responsibilities which they would attain under the proposed new organic act.

The Virgin Islands Resident Commissioner

The Department of the Interior, the Chamber of Commerce of St. Thomas, and the legislative assembly all submitted draft legislation, which the chairman introduced by request, calling for the creation of an Office of Resident Commissioner of the Virgin Islands in Washington. Under the 1952 census estimate, there are 24,000 persons in the Virgin Islands. The Office of Resident Commissioner would cost nearly \$47,000 a year, the Comptroller General informs the committee.

Your committee cannot see what functions a Resident Commissioner of the Virgin Islands could possibly perform for 24,000 people that would begin to justify an additional expenditure of \$47,000 of Federal funds. We believe that there are better ways of spending \$47,000 and therefore recommend against inclusion of such a provision in the organic act until economic development justifies the expense. Attention is invited to the Comptroller General's letter, set forth below.

STATEHOOD IN NO WAY INVOLVED

S. 3378 declares the Virgin Islands to be "an unincorporated territory of the United States of America." Thus, their legal status would be distinct and wholly different from that of Hawaii and Alaska, which are Incorporated Territories. Under all American traditions and precedents, historic and legal, statehood has unvaryingly been the destiny of all Incorporated Territories. Hawaii and Alaska are the only such Territories that have not yet become States, and enabling legislation to that end in the great American tradition has passed the Senate and is pending before the House.

On the other hand, there is no precedent, legal or historic, for statehood for a political, geographic, and economic unit such as the Virgin Islands would become under S. 3378. Enactment of this bill would in no way be a commitment for or step toward any status other than that set forth; namely, that of an unincorporated American territory. A still higher degree of self-government and autonomy is, of course, possible within that framework—such as an elective governor when the people are ready for it.

SECTIONAL ANALYSIS OF S. 3378

Section 1 provides that the act may be cited as the Revised Organic Act of the Virgin Islands.

Section 2 in subsection (a) provides that the act shall apply to the Virgin Islands, defines the term "Virgin Islands," and describes the Virgin Islands as an unincorporated territory of the United States. Subsection (b) of section 2 provides that the government of the Virgin Islands may sue, and except for a tort action in connection with which the legislature has not given its consent, be sued. It also provides that the capital shall be at Charlotte Amalie, St. Thomas.

Section 3 provides a bill of rights which is in part similar to the Bill of Rights in the United States Constitution and which parallels the bill of rights, in somewhat different order, contained in the existing Virgin Islands Organic Act.

Section 4 provides that the franchise shall be vested in Virgin Islands residents who are United States citizens and that the legislature may prescribe additional qualifications, but that no income or property qualification shall be imposed and that no discrimination shall be based upon race, color, sex, or religious belief.

Section 5 in subsection (a) vests legislative power and authority in the "Legislature of the Virgin Islands"; subsection (b) provides for the division of the islands into legislative districts and for the election of representatives therefrom and for representatives at large.

Section 6 in subsection (a) provides 2-year terms of office for members of the legislature; in subsection (b) prescribes eligibility requirements for such members; in subsection (c) provides that persons directing the administration of the electoral system shall be appointed as the legislature directs; in subsection (d) provides legislative immunity; in subsection (e) provides for payment to legislators of \$600 annually and for certain of their expenses; in subsection (f) limits the positions which legislators may hold or to which they may be appointed; in subsection (g) sets forth certain legislative powers; and in subsection (h) provides that the governor may fill vacancies in the legislature.

Section 7 (a) provides for regular sessions of 60 days and for special sessions of no longer than 30 days in the aggregate. Subsection (b) provides that the legislature shall meet in Charlotte Amalie.

Section 8 (a) generally describes the extent of the legislature's power and limits public indebtedness to 10 percent of the aggregate tax valuation of the property in the islands. Subsection (b) provides that the laws of the United States applicable to the Virgin Islands on the date of approval of the act, and local laws in effect on the same date, shall continue to apply. Subsection (c) provides for the appointment of a seven-man commission to make recommendations to the Congress with regard to the application of Federal laws to the Virgin Islands. Subsection (d) provides for the codification of Virgin Islands laws.

Section 9 (a) prescribes the quorum of the legislature, subsection (b) prescribes the enacting clause of acts of the legislature, and subsection (c) provides for the Governor's message to the legislature. Subsection (d) sets forth the procedure for executive approval of legislative measures, provides for the Governor's veto, and, in certain circumstances, for the President's consideration of bills which the

Governor has vetoed. Subsection (e) provides that if the legislature fails to pass certain appropriation bills, the sums appropriated in the last preceding appropriation bills shall be deemed to be reappropriated. Subsection (f) provides for a journal and subsection (g) for the transmission of the laws enacted by the legislature to the Secretary of the Interior and subsequently to the Congress.

Section 10 provides for elections every 2 years, beginning in November of 1954.

Section 11 vests executive power in the Governor of the Virgin Islands, to be appointed by the President and to exercise his powers under the supervision of the Secretary of the Interior. He shall reside in St. Thomas. The section further sets forth his powers and authority and provides, among other things, that except as otherwise expressly provided, he shall appoint the officers and employees of the executive branch of the government of the Virgin Islands.

Section 12 provides for the appointment by the President of a Government secretary, who shall reside in St. Croix. The section further describes his duties.

Section 13 authorizes the Secretary of the Interior to designate the Government secretary or the head of an executive department of the territorial government to act as Governor, when necessary.

Section 14 in subsection (a) provides for the reorganization by the Governor of the executive branch of the government of the Virgin Islands into not more than nine executive departments and generally prohibits the creation of additional executive departments. Subsection (b) provides for the periodic examination by the Governor of the organization of the executive branch. Subsection (c) provides for the appointment of the heads of the executive departments by the Governor, with the advice and consent of the legislature.

Section 15 in subsection (a) provides for the appointment by the Secretary of the Interior of a Government comptroller, to hold office for 10 years and to receive \$12,500 annually. Subsections (b) through (d) describe the powers and duties of the comptroller. Subsection (e) provides that the comptroller's decisions shall be final except for an appeal to the Governor, and subsection (f) provides a further appeal to the district court, under certain circumstances. Subsection (g) provides that the comptroller may communicate directly with persons or departments having claims or business with him. Subsections (h) and (i) provide for reports by the comptroller. Subsection (j) provides that the comptroller's office shall be under the supervision of the Secretary of the Interior.

Section 16 requires the Governor to establish systems of accounting and internal control, which must meet certain standards specified therein.

Section 17 provides for the annual review by the Comptroller General of the United States of the office and activities of the Government comptroller of the Virgin Islands, and for a report thereon by the former to the Governor, the Secretary of the Interior, and the Congress.

Section 18 (a) provides a salary for the Governor in accordance with existing law; subsection (b) provides for the establishment by the Secretary of the Interior of salaries for others in the executive branch of the Virgin Islands, and subsection (c) provides for the payment of some such salaries by the United States and for the payment of others by the government of the Virgin Islands.

Section 19 vests the judicial power of the Virgin Islands in the District Court of the Virgin Islands and in inferior courts created by local law.

Section 20 provides that the district court shall have the jurisdiction of a district court of the United States, as well as certain local jurisdiction, both original and appellate.

Section 21 provides that the inferior courts shall have jurisdiction, concurrent with the district court, of civil actions in which the matter in controversy does not exceed \$500 and in criminal cases in which the maximum punishment which might be imposed does not exceed a fine of \$100 or 6 months imprisonment, or both.

Section 22 provides for the appointment by the President of a judge of the district court, to hold office for 8 years, and for the temporary assignment of judges to the District Court of the Virgin Islands.

Section 23 provides for two judicial divisions and for the holding of sessions of the district court in both.

Section 24 guarantees the right to trial by jury in criminal actions to those who demand it.

Section 25 provides for the appointment by the President of a United States attorney and for the appointment by the Attorney General of an assistant United States attorney. The section also describes the duties of these officers.

Section 26 (a) provides that the proceeds of customs duties, United States income taxes, other taxes levied by Congress, and certain other fees, less the cost of collection, shall be covered into the treasury of the Virgin Islands. Taxes collected in connection with the old-age and survivors' insurance program are specifically exempt. The section further provides that United States citizens residing in the Virgin Islands may satisfy their United States income tax obligations by paying their tax to the Virgin Islands, regardless of the source of their income.

Section 26 (b) provides that the Secretary of the Treasury shall determine annually the amount of taxes collected under Federal internal revenue laws with respect to articles produced in the Virgin Islands and transported to the United States. From this amount, there shall be paid to the government of the Virgin Islands a sum equal to the amount of revenue collected during the same years by the government of the Virgin Islands. Such sum would be available for expenditure as the territorial legislature, with the approval of the President, may determine. For the fiscal years 1955 and 1956, the remainder of the amount collected under Federal internal revenue laws on Virgin Islands products sent to the United States, or the sum of \$1 million, whichever is greater, shall also be paid to the government of the Virgin Islands. Such sums shall be expended only for such emergency purposes or for such public projects as the President approves. If funds for such emergency purposes or public projects are not expended during the fiscal year, they remain available for subsequent expenditure, but they cannot exceed \$5 million at the end of any fiscal year.

Section 26 (c) provides that certain sections of the Tariff Act and the Trademark Act, relating to the importation into the United States of goods of foreign manufacture which bear trade-marks registered in the United States, shall not apply to the Virgin Islands.

Section 26 (d) provides that articles which are the growth, product,

or manufacture of the Virgin Islands or of the United States, or which do not contain foreign materials to a value of more than 50 percent of their total value, may be admitted into the United States free of customs duty.

Section 27 provides that officials of the government of the Virgin Islands shall be citizens of the United States and that they shall take the oath set forth in the section.

Section 28 provides generally that matters pertaining to the government of the Virgin Islands, except for the judiciary, shall be placed under the jurisdiction of the Secretary of the Interior.

Section 29 (a) authorizes the Secretary of the Interior to lease or sell property of the United States under his administrative supervision in the Virgin Islands. Subsection (b) provides that the government of the Virgin Islands shall have control over public property that is under its control on the date of enactment of the act.

Section 30 provides an amendment to the Animal Quarantine Act, so that cattle which have been infested with or exposed to ticks, but which are now free from them, may be admitted into the Virgin Islands, under such regulations as the Secretary of Agriculture may prescribe.

Section 31 amends a statute pertaining to poultry quarantine to provide that the Secretary of Agriculture cannot issue regulations or take measures with respect to the introduction of live poultry into the Virgin Islands.

Section 32 sets up an orderly procedure under which the provisions of this act shall supercede existing law.

Section 33 authorizes appropriations to carry out the purposes of the act.

Section 34 repeals the existing Organic Act of the Virgin Islands and any other provisions of law inconsistent with the new revised act.

REPORTS OF EXECUTIVE AGENCIES

The reports and comments of the executive agencies of the Federal Government concerned with the administration of the Virgin Islands are set forth below:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., November 19, 1953.

Hon. HUGH BUTLER,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington 25, D. C.*

MY DEAR MR. CHAIRMAN: This will acknowledge your requests for the views of the Bureau of the Budget on S. 2321, S. 2322, and S. 2323, three versions of a bill to revise the Organic Act of the Virgin Islands of the United States.

The Department of the Interior recommends the enactment of S. 2321 with certain amendments which will be submitted to your committee. The other two versions are understood to be recommended by the Virgin Islands Chamber of Commerce and Legislative Assembly respectively. It is considered that S. 2321 is superior to either S. 2322 or S. 2323. A few of the differences are deserving of mention.

The provisions of S. 2321 relating to the compensation of members of the legislative assembly (sec. 6 (e)) and the length of legislative sessions (sec. 7 (a)) are regarded as being important improvements over the existing Organic Act of the Virgin Islands. S. 2323 would not provide for these improvements adequately.

The Governor and Government Secretary of the Virgin Islands would be elected under the terms of S. 2323 instead of being appointed by the President with Senate confirmation in the case of the Governor and without Senate confirmation in the case of the Government Secretary as provided under existing law. It is

considered that the continuation of the present pattern in this matter would be wise at this time as provided in S. 2321.

The powers which would be vested in the Governor by section 15 of S. 2321 to reorganize the executive branch are regarded as important adjuncts to sound administration and are recommended over the related provisions contained in the other 2 versions.

With respect to the revenue provisions of these bills, S. 2321 is distinctly preferable. The first three lines of section 26 (a) of S. 2323 have been eliminated from S. 2321 as unnecessary but also in order to avoid the possibility of an unintended interpretation which could result in the return of certain Federal revenues collected in the Virgin Islands, postal revenues for example, to the Treasury of the Virgin Islands. With respect to section 26 (b), it is vital that the language contained in S. 2321 requiring the approval of the President or his designated representative for use of the diverted Federal internal-revenue taxes be retained if a meaningful Federal control is to be continued over the finances of the Virgin Islands.

Accordingly, it is recommended that S. 2321 be enacted.

Sincerely yours,

ROWLAND HUGHES,
Deputy Director.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., November 30, 1953.

Hon. HUGH BUTLER,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington 25, D. C.*

MY DEAR SENATOR BUTLER: Further reference is made to your letters of July 10, requesting the views of this Department on S. 2321, S. 2322, and S. 2323, all of which are bills to revise the Organic Act of the Virgin Islands of the United States.

I recommend that S. 2321 be enacted, with the amendments hereinafter suggested. I recommend that S. 2322 and S. 2323 be not enacted.

By letter of May 7, 1953, to the President of the Senate, I recommended the enactment of the bill which you introduced on July 8 and which became S. 2321. In that letter I set forth in some detail the more significant changes in the organizational framework of the government of the Virgin Islands which would result from enactment of the bill. S. 2322 and S. 2323, which have the same general objectives as S. 2321, have been recommended by the Chamber of Commerce of the Virgin Islands and the Legislative Assembly of the Virgin Islands, respectively. I am of the opinion that enactment of S. 2321 rather than enactment of either S. 2322 or S. 2323, will better insure the achievement of effective administration and increased self-government for the people of the Virgin Islands.

S. 2321, S. 2322, and S. 2323 are hereafter referred to as the Department bill, the chamber of commerce bill, and the legislative assembly bill, respectively.

Many of the provisions of the three bills are parallel, and many, also, would not result in a substantial modification of existing law. In order to point out to you the principal areas in which the three bills diverge or in which they would change substantially the present government structure of the Virgin Islands, I should like to state briefly the principal import of each of the bills.

1. *Bill of rights.*—None of the bills would modify the bill of rights contained in the present Organic Act of the Virgin Islands.

2. *Franchise.*—The Department's bill would modify present voting requirements only to the extent that the legislature would be precluded from establishing a language qualification. The present law provides that in order to vote, a person must be able to read and write the English language. Neither the chamber of commerce bill nor the legislative assembly bill would prohibit the imposition of a language qualification.

3. *Organization of the legislature.*—The present organic act provides for the establishment of three unicameral legislative bodies: The Municipal Council of St. Thomas and St. John of 7 members, the Municipal Council of St. Croix of 9 members, and the legislative assembly, constituted by a joint session of the 2 municipal councils. The Department bill and the chamber of commerce bill both provide for 1 unicameral legislature of 11 members, 2 from St. Thomas, 2 from St. Croix, and 1 from St. John, and 6 at large. The legislative assembly bill provides for a unicameral legislature of 12 members, 3 from the district of Chris-

tiansted (St. Croix), 3 from the district of Frederiksted (St. Croix), 5 from St. Thomas, and 1 from St. John.

4. *Legislators' terms of office.*—The present organic act provides for 2-year terms of office for members of the municipal councils, and, hence, for members of the legislative assembly, as well. The Department's bill would fix a 4-year term, while the chamber of commerce and legislative assembly bills would both provide 2-year terms.

5. *Qualifications of legislators.*—The Department's bill would change the qualifications of legislators by providing: (1) That a person convicted of a felony or of a crime involving moral turpitude is eligible for membership if he has received a pardon restoring his civil rights, and (2) that employees of the executive or judicial branches of the Virgin Islands government are ineligible for membership in the legislature. The chamber of commerce bill is the same, except that it contains no residence requirement and it provides that Federal employees and employees of the legislative branch of the Territorial Government, as well as executive and judicial employees, are also ineligible to membership. The legislative assembly bill is the same as the Department's bill, except that it contains an additional provision that persons convicted of a felony or of a crime involving moral turpitude shall automatically "regain their civil rights after 5 years, beginning on the day after expiration [sic]."

6. *Compensation for legislators.*—The present organic act authorizes each municipal council to prescribe allowances for actual travel expenses and reasonable subsistence for members. The Department's bill would provide for the payment of \$15 for each day of attendance during legislative sessions and for per diem and travel expenses under the Federal Travel Expense Act if the session is held away from the member's island of residence, all of which sums would be paid by the government of the Virgin Islands. The chamber of commerce bill contains the same provision, except that the salaries, per diem, and travel allowances would be paid by the Government of the United States until such time as the section of the bill relating to the disposition of proceeds of Federal internal-revenue taxes, considered in paragraph 15 below, becomes effective. The legislative assembly bill provides for the payment of per diem, travel, and unspecified compensation to each member, to be paid by the government of the Virgin Islands.

7. *Legislative sessions.*—The present organic act provides for bimonthly sessions of the municipal councils, for extraordinary sessions when called by the Governor or the chairman of the council, and for sessions of the legislative assembly when called by the Governor or by resolution of the municipal councils. The Department's bill provides for regular annual legislative sessions to last no longer than 60 calendar days and for special sessions of no longer than 15 days when called by the Governor. Special sessions may not exceed 30 days in aggregate. The chamber of commerce bill is the same, except that the Governor must call a special session on the written request of two-thirds of the legislature. The legislative assembly bill differs from the Department bill to the extent that it places no limit upon the length of the regular session and that it requires the chairman of the legislature to call special sessions when so directed by a majority of the members in writing.

8. *Governor.*—The Department bill, like the present organic act, provides for the appointment of the Governor by the President, with confirmation by the Senate, and for the exercise of the Governor's authority under the supervision of the Secretary of the Interior. The chamber of commerce bill contains a similar provision. The legislative assembly bill provides for the election of the Governor for 4-year terms beginning in 1956, and it contains no provision regarding supervision by the Secretary of the Interior.

9. *Government Secretary.*—The Department bill and the present organic act provide for the appointment of a Government Secretary by the President. The chamber of commerce bill, unlike the Department's bill, would also require Senate confirmation of the appointment. The legislative assembly bill provides for the election of the Government Secretary for 4-year terms.

10. *Organization of executive departments.*—The present organic act contains no provision on this subject. The Department bill would require the Governor to reorganize the departments and instrumentalities of the Territorial government into no more than 9 executive departments within 1 year, and would authorize him to appoint the heads of such departments, with confirmation by the legislature. The chamber of commerce bill contains the same provision, but would, in addition, require the appointment by the Governor of an Administrator for St. Croix. The legislative assembly bill would create seven specific departments, each of which would be headed by an officer appointed by the Governor with the advice and consent of the legislature.

11. *Appointment of employees.*—The present organic act authorizes the Secretary of the Interior to appoint such executive and administrative officers as are required, to be paid from Federal funds, and authorizes the Governor to appoint all salaried officers of the municipal governments, with the consent of the municipal council having jurisdiction. The Department bill would authorize the Governor to appoint all officers and employees of the Territorial government, except for those otherwise specifically provided for in the act. The chamber of commerce bill and the legislative assembly bill contain no similar provision, except to the extent noted in paragraph 10 above.

12. *Judiciary.*—All three bills would modify the judiciary provisions of the present organic act in the following principal respects: (1) The district court would have the same jurisdiction as a district court of the United States, general original jurisdiction in cases arising under local law, and appellate jurisdiction over inferior courts; the present organic act sets forth in detail the particular classes of cases in which the district court has jurisdiction; (2) the civil jurisdictional limit of the islands' inferior courts would be increased from \$200 to \$500; and (3) the terms of office of the judge of the district court would be increased from 4 to 8 years. The chamber of commerce bill and the legislative assembly bill, unlike the Department bill, would retain the provision of the present organic Act authorizing the legislature to establish a superior court and to transfer to it from the district court jurisdiction over all causes other than those arising under the laws of the United States.

13. *District attorney.*—The present organic act authorizes the President, with Senate confirmation, to appoint a district attorney for a 4-year term. Each of the bills would authorize the President to appoint a district attorney, with the requirement for Senate confirmation of the appointment. The chamber of commerce bill, in addition, would prohibit the district attorney and his assistant from engaging in private practice during their incumbency.

14. *Resident commissioner.*—There is presently no provision for a resident commissioner for the Virgin Islands. The Department bill would provide for the election of a resident commissioner in 1954 and every 2 years thereafter. (An inconsistency in the pertinent section of the Department's bill, sec. 25 (a), would be reworded by enactment of the third proposed amendment, attached.) The chamber of commerce bill and the legislative assembly bill contain similar provisions, except that they both provide for a 4-year term. The legislative assembly bill omits certain provisions contained in the other two bills regarding compensation, expense allowance, committee membership, retirement, clerk hire, and room assignment for the resident commissioner.

15. *Fiscal provisions.*—The Department bill, like the present organic act, provides that proceeds of customs duties, United States income taxes, any taxes levied by Congress on inhabitants of the Virgin Islands, and the proceeds of certain fees shall be covered into the Virgin Islands treasury. In addition, the Department bill would provide for the return to the Virgin Islands treasury of proceeds of United States internal-revenue taxes collected on articles produced in the Virgin Islands and transported to the United States. The chamber of commerce bill contains the same provisions, but in addition, it would also provide that the proceeds of any local income tax enacted in lieu of the United States income tax shall be covered into the Territorial treasury, and that a resident of the Virgin Islands may satisfy his income-tax obligation under applicable tax laws of the United States by paying his tax on income derived from all sources, both within and outside the Virgin Islands, into the treasury of the Virgin Islands. The legislative assembly bill is essentially the same as the Department bill, except that it contains 2 additional provisions, 1 of which parallels the second of the 2 chamber of commerce additions mentioned above, and the second of which provides that all taxes, duties, fees, and public revenues collected in the Virgin Islands shall be covered into the treasury of the Virgin Islands.

16. *Disposition of property.*—All three bills would authorize the Secretary of the Interior to lease or sell such property of the United States under his administrative supervision in the Virgin Islands as is not needed for public purposes. This provision, which was contained in the present organic act, was repealed by the Federal Property and Administrative Services Act of 1949, as amended.

17. *Immigration.*—Neither the present organic act nor the Department bill contains any provision regarding the entry of aliens into the Virgin Islands. The chamber of commerce bill would amend the Immigration and Nationality Act to provide free ingress and egress of alien labor from adjacent British, French, and Dutch islands under certain circumstances. The legislative assembly bill would amend a number of statutes, some of which have been repealed, in order essentially to provide for the naturalization of certain natives of the Virgin Islands who are not now citizens of the United States.

18. *Municipalities.*—Under all 3 bills, the 2 municipalities into which the Virgin Islands has been divided under the present organic act, would be abolished.

19. *Coastwise laws.*—Neither the present organic act nor the Department bill contains any provision regarding the coastwise laws. By virtue of the act of June 5, 1920, as amended (46 U. S. C., 1946 ed., sec. 877), however, the coastwise laws are inapplicable to the Virgin Islands until the President, by proclamation, declares that they shall extend to the Virgin Islands. The chamber of commerce bill and the legislative assembly bill both provide that the coastwise laws shall not apply to the Virgin Islands without qualification.

This Department has considered at length the many problems involved in amending wisely the 1936 Organic Act of the Virgin Islands. We have concluded on the basis of our study that of the three bills in question, the Department bill S. 2321, is best calculated to provide an effective and efficient administration of the Territorial government, to increase the financial self-sufficiency of the Territory, and to afford an increased measure of self-government to the people of the Virgin Islands.

There is attached a list of proposed amendments to S. 2321 which I recommend that your committee adopt. The first, sixth, and seventh are designed to remove technical imperfections in the bill. The second would provide that the position of district attorney of the Virgin Islands shall carry the title of United States attorney. The third would remove a discrepancy in section 25 of the bill regarding the term in office of the Resident Commissioner. The fourth would guarantee that taxes collected in the Virgin Islands for old-age and survivors insurance purposes would be paid into the Federal Treasury rather than into the treasury of the Virgin Islands. The fifth would amend the law pertaining to the importation of diseased animals, so as to allow the importation into the Virgin Islands of animals which may have been exposed to ticks but which are, at the time of importation, tick free. This is required in order to alleviate a serious meat shortage which exists in St. Thomas and which threatens to continue.

If amended in the manner suggested, I recommend that S. 2321 be enacted.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely yours,

ORME LEWIS,
Assistant Secretary of the Interior.

PROPOSED AMENDMENTS TO S. 2321 SUBMITTED WITH THE INTERIOR DEPARTMENT'S REPORT

1. On page 21, line 12, insert a comma following the word "Constitution".

Purpose: This amendment would correct a clerical error.

2. On page 24, in section 24, strike out the word "district" wherever it appears in such section and insert in lieu thereof the words "United States".

Purpose: This amendment would provide that the position of "district attorney" and "assistant district attorney" in the Virgin Islands shall carry the title of "United States attorney" and "assistant United States attorney," respectively. At this time the position is designated as that of "district attorney" only in Alaska, the Virgin Islands, and the Canal Zone. Elsewhere in the United States and its Territories the term "United States attorney" is employed. The Senate Committee on the Judiciary, in its report (No. 262) on S. 1663, a bill to increase legislative and judicial salaries, recommended, among other things, that the 1936 Organic Act of the Virgin Islands be amended to substitute "United States" for "district attorney." The proposed amendment would accomplish the same objective.

3. On page 25, line 11, strike out the word "four" and insert in lieu thereof the word "two."

Purpose: Section 25 currently provides that a Resident Commissioner shall be elected in 1954 and at a general election every 2 years thereafter, and that the Resident Commissioner shall hold office for a period of 4 years. In order that the term of office may conform with the frequency of the election, the reference to a 4-year term should be changed to a 2-year term.

4. On page 28, line 24, strike out the period and insert in lieu thereof a colon and the following words:

"Provided, That nothing in this Act shall be construed to apply to any tax specified in section 3811 of the Internal Revenue Code."

Purpose: Section 3811 of the Internal Revenue Code provides that taxes collected in the Virgin Islands for old-age and survivors insurance purposes shall be collected under the direction of the Secretary of the Treasury and shall be paid

into the Treasury of the United States. When the old-age and survivors insurance program was extended to the Virgin Islands by the Social Security Act amendments of 1950 (64 Stat. 477), the Internal Revenue Code was amended by section 208 (b) of those amendments so that the taxes collected in connection with the program would not be covered into the Territorial treasury but would, instead, be deposited to the credit of the special fund in the Federal Treasury out of which old-age and survivors insurance benefits are paid. The proposed amendment would make clear that such taxes shall continue to be deposited in the Federal Treasury.

5. On page 31, following line 21, insert a new section, to be designated section 31, and to read as follows:

"Sec. 31. Section 6 of the act of August 30, 1890 (26 Stat. 414, 416), as amended (21 U. S. C., 1946 edition, sec. 104) is further amended by inserting the words 'and the admission into the Virgin Islands' immediately following the word 'Texas,' so that such section will read as follows:

" 'The importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is prohibited: *Provided*, That the Secretary of Agriculture, within his discretion and under such regulations as he may prescribe, is authorized to permit the admission from Mexico into the State of Texas and the admission into the Virgin Islands of cattle which have been infested with or exposed to ticks upon being freed therefrom. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding three years, and any vessel or vehicle used in such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States.' "

Purpose: Virtually all of the meat consumed in St. Thomas, V. I., is imported from Tortola in the British Virgin Islands in the form of live cattle. It has recently been determined that the cattle in Tortola are infested with or have been exposed to ticks. St. Thomas is also infested with ticks, and because the deer in the island are diseased, an effective control program is virtually impossible. Consequently the Agriculture Department has, by regulation, issued pursuant to the 1890 statute referred to above, prevented the continued importation of Tortolan cattle into St. Thomas, and a serious meat shortage has resulted and threatens to continue in the United States Virgin Islands. The Agriculture Department regulation is required by the 1890 law so long as ticks exist in Tortola, but ticks cannot be effectively eradicated from Tortola so long as they continue to exist in St. Thomas. This is so because persons traveling between St. Thomas and Tortola inevitably carry ticks with them. Tortola is prepared to undertake a tick-control program under which cattle exported to St. Thomas would be tick free. Such cattle could still not be admitted to St. Thomas under existing law, however, because their importation would be prohibited under the section of the law pertaining to cattle which have been exposed to infection within 60 days before exportation. The proposed amendment would authorize the Secretary of Agriculture, in his discretion, to admit such cattle into the Virgin Islands as are free from ticks. Because areas other than Tortola have indicated an interest in exporting cattle to the Virgin Islands, the amendment is not limited to cattle of Tortolan origin.

6. On page 31, line 22, strike out the number "31" and insert in lieu thereof the number "32".

Purpose: This amendment is necessitated by the addition of the new section 31 referred to in paragraph 5 above.

7. On page 32, line 6, strike out the number "32" and insert in lieu thereof the number "33".

Purpose: Same as No. 6.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington 25, November 27, 1953.

HON. HUGH BUTLER,
Chairman, Committee on Interior and Insular Affairs,
United States Senate.

MY DEAR MR. CHAIRMAN: Reference is made to your letter of August 5, 1953, acknowledged August 17, requesting the views of this Office on S. 2321, S. 2322, and S. 2323, 83d Congress, each of which is entitled "A bill to revise the Organic

Act of the Virgin Islands of the United States." You request my views particularly with reference to the fiscal and accounting aspects of the bill and indicate a brief study outlining the major points of difference between the system set out in the bills and that of Puerto Rico would be helpful.

There is attached a Comparative Summary Analyses of the Existing and Proposed Laws Affecting the Virgin Islands and those of Puerto Rico which sets out briefly the substance of the existing and proposed provisions respecting the legislative bodies, the offices of Governor and auditor (called comptroller in Puerto Rico) and the executive departments, and the provisions for the disposition of Federal internal revenues arising out of the respective island areas. Certain of the provisions as to Puerto Rico are embodied in the constitution of that Commonwealth approved by the act of July 3, 1952 (66 Stat. 327).

Whether the Virgin Islands should be accorded the status of a Territory and granted a measure of self-government comparable to that granted to the people of Puerto Rico and the internal-revenue taxes originating therein be returned to them involves a matter of policy for the Congress to decide. It may be observed, however, that the principle of self-government was applied in Puerto Rico first by a series of statutes and finally by congressional approval of its full Territorial constitution when the people of that area were deemed capable of assuming increased burdens and responsibilities by reason of their educational levels and the economic development and stability of the area. Assuming that a larger measure of self-government is to be granted to the people of the Virgin Islands, the question arises whether it should be made upon the basis of that formerly provided by statute for Puerto Rico or under the presently approved constitution of that Commonwealth pursuant to which it enjoys a full Territorial status, and in addition receives the revenue from taxes imposed by Federal law on articles of Puerto Rico manufacture coming into the United States for consumption—a privilege not granted generally to other Territories and island possessions of the United States.

The various features of the Senate bills shown on the chart and the comments of this Office relative thereto are as follows:

1. UNICAMERAL LEGISLATURE

The Organic Act of the Virgin Islands now in effect provides for two municipalities for governmental purposes in the islands, creates independent councils, and provides for segregation of municipal revenues. Each municipality enacts its own tax bills, appropriation bills, and other local laws. The Governor must deal with two governing bodies, administer duplicate departments with varying functions and enforce unlike tax laws and other ordinances for a population totaling approximately only 26,000 persons.

The creation of a unicameral legislature, with limited legislative sessions instead of existing legislatures in each municipality, would provide for uniform legislation and result in decreased cost and simplified administration. Councilmen's allowances alone could be reduced to less than one-third of the present cost. In 1952 the municipalities budgeted \$31,200 for 16 councilmen. A proposed single legislature of 11 members receiving \$15 a day compensation for a normal session of 60 days would cost only \$9,900. Also by providing in effect for uniform laws and a uniform tax system for the islands other administrative savings confidently could be expected.

2. THE AUDITOR

The auditor, under the pending Senate bills, as at present, would be appointed by and be responsible to the Governor. His functions and duties would not be under the jurisdiction of any executive department and generally would parallel those of the former auditor for Puerto Rico—and the Comptroller General of the United States—except that the auditor's decisions would be subject to appeal to the Governor. The provisions making the auditor subject to the general supervision and control of the Governor and making his decisions subject to review by the Governor—who appoints him—are not considered desirable since it does not provide independence and finality of action in the audit function. Appeals from the auditor's decisions would be of two general types (1) Relief from disallowed payments already made, which properly should be considered and granted, if at all, by the Legislature of the Virgin Islands in omnibus bills directing the allowance of credit in proper cases and (2) where payment is disapproved before being made, appeals from which should be taken to the district court. Such independence of audit action would be consistent with the principles applicable to similar functions of the comptroller of Puerto Rico, and the Comptroller General of the United States, the adoption of which is recommended for the functions of

the auditor of the Virgin Islands. Also, consistent with existing provisions for the removal of the comptroller of Puerto Rico—and the Comptroller General of the United States—it is recommended that provisions be made for removal of the auditor by the Legislature of the Virgin Islands only for cause.

Heretofore the auditor's activities have been directed largely to desk audits of certain copies of documents sent to him by the various departments. This procedure results in unnecessary and costly duplication of work which it is recommended be eliminated by the inclusion of a provision directing that the audit shall be made at the places where the records and documents normally are maintained. Also, the duties of keeping general ledger accounts and preserving vouchers should not be assigned to the auditor but to a comptroller as discussed below in comments on the Department of Finance and the Treasurer.

The United States revenues which would be diverted to local uses by the pending bills would become local funds to be appropriated and accounted for under laws enacted by the legislatures of the Virgin Islands and therefore would not be subject to the further control of the Congress or to audit by the General Accounting Office. Hence, if any one of these bills be enacted into law there would be no overlapping or duplication of the functions of this office. Only such other funds as were thereafter appropriated by Congress from the general fund of the United States Treasury for the support of the Virgin Islands, pursuant to 48 United States Code 1469 to be expended under the supervision and direction of Federal officials, would be subject to audit by this office. If any of the involved bills are to be favorably considered, it is recommended both for the conservation of the funds of the Virgin Islands Treasury and those of the United States that provision be made for the auditor to devise and install under the general supervision and direction of the Comptroller General of the United States a complete system of accounts and controls based on modern municipal accounting concepts and standards.

3. THE EXECUTIVE DEPARTMENTS

The adoption of single departments for the islands considered as an entity instead of separate departments for the two municipalities of St. Thomas and St. John and (b) St. Croix would substantially reduce operating costs through the consolidation and centralization of both functions and records and make possible a reduction in the number of employees necessary to carry out the departmental responsibilities.

(a) *The Department of Finance and the Treasurer.*—The proposal in S. 2323 that the department of finance be headed by a treasurer who would thus have full control of the collection, custody, and disbursement of funds and all accounting, bookkeeping, and procurement functions of the government presently supervised by a commissioner of finance, is not conducive to a proper internal control so vitally necessary in the handling of public funds. The functions of the treasurer properly do not include those of a comptroller and should be limited—as are those of the Treasurer of the United States—to the collection, deposit, custody, and disbursement of funds, the accounting therefor under his bond—which is not proposed in the pending bills but should be provided for by statute—and the making of customary reports of the activities of his office. It is thought that the department of finance should be headed by a comptroller appointed by and responsible to the governor, to maintain all allotment controls, procurement, general and subsidiary ledgers, records and accounting documents; to perform administrative audits before payment; and to have administrative control over all accounting personnel in each of the departments, agencies, boards, and commissions of the government of the Virgin Islands.

4. INTERNAL-REVENUE TAXES

As pointed out above, whether taxes on articles produced in the Virgin Islands and imported into the United States should be paid into the Treasury of the Virgin Islands, is a question of policy for the Congress. However, if it is decided that such revenues should be so paid, it is recommended that a provision similar to section 3360 of the Internal Revenue Code be incorporated into the act so that the amounts may be paid into the Treasury of the Virgin Islands in order to avoid the unnecessary bookkeeping expense of their passing through the accounts of the United States Treasury.

The proposal in S. 2323 to authorize and require investment of 20 percent of all revenues of the islands in United States Government bonds implies that such percentage of revenues is not currently needed for local use and that the aggregate of local revenues and Federal collections paid over to the islands will be greater than the annual outlay required. If that be true, consideration should be given to the inclusion in the bill of a provision that expenditures of Federal-

revenue contributions be limited in a fixed ratio to local funds collected and that any excess of Federal revenues paid to the islands in any 1 year over and above the amount required in addition to local revenues to meet expenditures be deducted from the Federal contributions in the ensuing fiscal year. Such a formula might well provide the incentive necessary to bring about efficient administration of the laws of the islands and a resulting increase in local revenues making available more funds for expanding much needed educational and economic benefits.

Section 9 (c) of each of the Senate bills provides that the annual budget required to be submitted by the Governor shall form the basis of the appropriations for the ensuing year. In order to guard against deficit financing due to the possibility of appropriations in excess of revenues, it is recommended that a provision be included limiting expenditures under the appropriations to the amount of anticipated revenues for each fiscal year (Cf. 48 U. S. C. 1470).

Until such time as the Congress is of the opinion that the Virgin Islands should be granted more or less complete self-government, I cannot emphasize too strongly the advisability of an independent annual post audit and report of the financial affairs of the islands of the comprehensive type which is now being made by the General Accounting Office in a number of agencies. The audit reports would be designed to bring out defects in administration of fiscal affairs in the islands and to include recommendations to the Governor of the Virgin Islands, the Secretary of the Interior, and the President for their correction, as well as to keep the Congress currently informed of the financial management of the islands. The provision for such audit should include authority for the independent auditor to examine all books, records, offices, establishments, facilities, and functions of the Virgin Islands government without exception.

I trust that the foregoing will serve to answer the purpose of your inquiry.

Sincerely yours,

LINDSAY C. WARREN,
Comptroller General of the United States.

UNITED STATES COURT OF APPEALS,
FOR THE THIRD CIRCUIT,
Philadelphia, Pa., April 19, 1954.

HON. HUGH BUTLER,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.*

DEAR SENATOR BUTLER: Replying to your request of April 7, I have examined very carefully the Committee Print No. 3 of the bill to revise the Organic Act of the Virgin Islands, and I wish to submit to you a number of comments and suggestions, first as to the judicial provisions and then as to the other provisions of the bill. The judicial provisions are contained in sections 20 to 26 and my comments and suggestions as to them are as follows:

I have no suggestions with regard to sections 20 and 25.

Sections 21 and 22.—I am in full agreement with the proposal that the jurisdiction of the district court under section 21 be limited to those cases of which the inferior courts are not given jurisdiction by section 22. I have two suggestions to make in this connection, however. The first is that in the interest of flexibility and good judicial administration there ought to be a discretionary power in the district court to transfer specific cases from an inferior court to the district court for trial and determination. I have in mind the fact that occasionally a test case of great importance in the administration of the government may involve a comparatively small amount and would normally have to be brought in the police court. Since, however, an appeal in such a case is inevitable it would be very much in the public interest to have the case tried in the first instance in the district court. There is also the situation in which the judge of the police court may be disqualified to consider a case.

When it comes to the inferior courts I think that only the jurisdiction expressly given to them by the organic act should be exclusive. Any additional jurisdiction which under the authority of section 22 may subsequently be conferred upon them by the local legislature should, I believe, be concurrent with the district court. Otherwise the local legislature might, by conferring jurisdiction upon the inferior courts in much more serious classes of cases, deprive the district court of jurisdiction which you intend that it shall have and which under accepted standards of judicial administration it ought to retain. I think, however, that a modern flexible judicial system with adequate safeguards will be provided if any additional jurisdiction which the legislature may confer upon the inferior courts

must not be exclusive but concurrent with the district court, particularly if the district court is given the power which I have suggested to transfer individual cases from an inferior court to the district court when justice requires it, and if power is given to the district court to transfer from the district court to an inferior court any case brought in the district court which is within the jurisdiction of the inferior court.

In considering the language of sections 21 and 22 with respect to jurisdiction I would like to suggest a slightly different approach since I fear that the language used in section 21 is not sufficiently precise with respect to the jurisdiction which is intended to be conferred upon the district court. I am thinking of the fact that there are many types of civil actions which do not involve a sum of money at all or where the amount in controversy cannot easily be valued in terms of money. Injunction suits and domestic relations litigation are examples. I would, therefore, suggest that sections 21 and 22 be redrawn, as was done in the case of the Organic Act of Guam, to provide that the district court shall have general original jurisdiction of all cases arising under the local law, jurisdiction over which is not expressly conferred by the act upon the inferior courts. If, then, in section 22 the exclusive jurisdiction of the inferior courts is specifically spelled out it will necessarily follow that the district court will have jurisdiction of all other cases of every kind and it will be unnecessary for you to attempt to catalog or describe them. This is particularly important because of the all-embracing jurisdiction of the district court which must include not only all causes of action above the police court level now given by the local law but also all such causes of action which may be created by laws which the legislature may enact in the future.

Accordingly I would suggest that sections 21 and 22 be rephased somewhat as follows:

"SEC. 21. The District Court of the Virgin Islands shall have the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties, and laws of the United States. It shall have general original jurisdiction in all causes arising under the local law in force in the Virgin Islands, exclusive jurisdiction over which is not conferred by this Act upon the inferior courts of the Virgin Islands. When it is in the interest of justice to do so the district court may on motion of any party transfer to the district court any action or proceeding brought in an inferior court and the district court shall have jurisdiction to hear and determine such action or proceeding. The district court shall also have appellate jurisdiction to review the judgments and orders of the inferior courts of the Virgin Islands to the extent now or hereafter prescribed by local law.

"SEC. 22. The inferior courts now or hereafter established by local law shall have exclusive original jurisdiction of all civil actions wherein the matter in controversy does not exceed the sum or value of \$500, exclusive of interest and costs, all criminal cases wherein the maximum punishment which may be imposed does not exceed a fine of \$100 or imprisonment for six months, or both, and all violations of police and executive regulations, and they shall have original jurisdiction, concurrently with the district court, of all actions, civil or criminal, jurisdiction of which may hereafter be conferred upon them by local law. Any action or proceeding brought in the district court which is within the jurisdiction of an inferior court may be transferred to such inferior court by the district court in the interest of justice. The inferior courts shall hold preliminary investigations in charges of felony and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction granted to the inferior courts by this section, and shall commit offenders to the district court and grant bail in bailable cases. The rules governing the practice and procedure of the inferior courts and prescribing the duties of the judges and officers thereof, oaths and bonds, the times and places of holding court, and the procedure for appeals to the district court shall be as may hereafter be established by the district court. The rules governing disposition of fines, costs, and forfeitures; enforcement of judgments; and disposition and treatment of prisoners shall be as established by law or ordinance in force on the date of approval of this Act or as may hereafter be so established."

Section 23.—The provision in this section for the assignment by the chief justice of a circuit or district judge to sit in the district court when necessary was taken, at my suggestion I believe, directly from the similar provision in the Organic Act of Guam. I believe it is a useful provision for emergencies and should be included in lieu of the provision of the present law on the subject which is not very workable. However, on reflection, I think that the provision could be improved by giving to the chief judge of the third circuit the power to so assign a district or circuit judge of the circuit, without requiring action by the Chief Justice of the United States, at the same time retaining the provision that the Chief Justice may, if need be, assign a circuit or district judge from another circuit. This would bring

the provision closely into harmony with the present law with respect to the assignment of circuit and district judges in the United States, namely that within their own circuit they may be assigned by the chief judge of the circuit and outside of their own circuit by the Chief Justice of the United States. I would accordingly suggest that the third sentence of section 23 be modified to read as follows:

"Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the District Court the Chief Judge of the Third Judicial Circuit of the United States may assign a circuit or district judge of the Third Circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands."

Section 24.—After reflection I find myself in accord with the thought that the two judicial divisions of the Virgin Islands should be retained. I think that this is wise, particularly in the interest of litigants in St. Croix, now that the two municipalities are to be eliminated. In view of the elimination of the municipalities, however, which under section 27 of the present organic act define the boundaries of the judicial divisions, I think that it is important in section 24 to define the limits of the divisions a little more accurately than merely by reference to the three major islands. Litigation might well arise involving Hassel or Water Island, for example, neither of which is strictly speaking a part of the island of St. Thomas, although both are adjacent to it and have always been a part of the municipality. I would, therefore, suggest that the first sentence of section 24 be modified to read as follows:

"The Virgin Islands consist of two judicial divisions; the Division of Saint Croix, comprising the island of Saint Croix and adjacent islands and cays and the Division of Saint Thomas and Saint John, comprising the islands of Saint Thomas and Saint John and adjacent islands and cays."

Section 26.—There are several points in this section to which I would like to direct your attention. I gather that the purpose of the section is to require the district attorney to conduct all civil and criminal proceedings to which the United States is a party in both the district court and the inferior courts and all civil and criminal proceedings to which the government of the Virgin Islands is a party in the district court and that the assistant district attorney is to conduct all civil and criminal proceedings to which the government of the Virgin Islands is a party in the inferior courts. I think that it is wise to provide that the government of the Virgin Islands shall be represented in criminal cases in the police courts, at least in St. Thomas, although it is possible that a single assistant could not handle all such cases in both St. Thomas and St. Croix.

However, I very seriously question whether it is sound and administratively desirable to specify in the statute the division of duties between the district attorney and his assistant. Will you not thereby be creating in effect two offices, the ostensible assistant being independent of his superior in the discharge of his duties? I would, therefore, suggest that the duty be imposed upon the district attorney, by himself or an assistant district attorney, to conduct all legal proceedings to which either the Government of the United States or of the Virgin Islands is a party in both the district court and the inferior courts.

As I understand it, the district attorney has not ordinarily heretofore appeared for the local government in criminal proceedings in the police courts. Therefore, if this duty is to be imposed upon him, as I am inclined to think it should be, it may well develop that one assistant district attorney will not be enough, particularly if the district attorney continues to act as legal adviser to the Governor. As I shall suggest later in this letter, I am not sure that he should continue to have this particular duty. I would, therefore, hope that the power will be left open to the legislature to authorize the appointment by the Governor of a separate legal adviser.

To give concrete form to my suggestions they would involve changing the second, fourth, and sixth sentences of section 26 so as to read (with the third and fifth sentences) as follows:

"The district attorney, by himself or an assistant district attorney, shall conduct all legal proceedings, civil and criminal, to which the Government of the United States or the Government of the Virgin Islands is a party in the District Court of the Virgin Islands and in the inferior courts of the Virgin Islands. Offenses against the laws of the Virgin Islands shall be prosecuted in the name of the Government of the Virgin Islands. The district attorney shall also serve as legal adviser to the Governor, unless a legal adviser is provided for the Governor by local law. The district attorney shall perform his duties under the supervision and direction of the Attorney General of the United States. The Attorney General may appoint one or more assistant district attorneys."

Turning to the nonjudicial provisions of the bill I have the following comments and suggestions:

Section 2 (a).—In line 1 on page 2 I think that "lands" should more accurately be "islands." I observe that the last sentence of this paragraph declares the Virgin Islands to be "an island possession of the United States." I am much disturbed by the use of this language in the present day. I agree that it is important for the act to declare clearly the status of the Virgin Islands as a territory not incorporated into the United States for purposes of ultimate statehood. The inhabitants of the Virgin Islands are, however, citizens of the United States and to use the term "possession" in the organic act seems to me to have entirely too much of an imperialistic connotation in this day and age. I think it would be unfortunate to use language in the organic act which the Communist representatives in the United Nations might make use of for propaganda purposes against the United States. Moreover I think that the American citizens in the Virgin Islands might fairly object to having the islands to which the act gives a fair measure of self-government officially described as a possession—mere property of the Government. I would, therefore, urge the use of the phrase "an unincorporated territory of the United States." This is precise legal language and its meaning is well understood to be that the territory is not destined for statehood. It is the exact language which was used for the same purpose in section 3 of the Organic Act of Guam (48 U. S. C. A. sec. 1421a). Certainly if Guam is not to be described in its organic act as a possession I do not think that the Virgin Islands should be so described.

I suggest that the matter can be even further clarified in the committee reports, as was done in the case of Guam in 1950. Thus in the report of your committee, Senate Report No. 2109, 81st Congress, on H. R. 7273, it was said (p. 4):

"Section 3 of the bill sets forth in specific language that Guam is declared by the act to be 'an unincorporated territory.' Thus it has the same legal status as Puerto Rico and the Virgin Islands, and is not similar to that of Alaska and Hawaii.

"No commitment as to statehood, express or implied, is held out in the measure."

In House Report No. 1677, 81st Congress, on H. R. 7273 it was said (p. 5):

"Eventual statehood for Guam is not contemplated in the provisions of this bill. Guam is specifically described therein as an 'unincorporated territory' and would not obtain status as an 'incorporated territory' through the enactment of H. R. 7273."

Section 4.—I do not observe in this section any prohibition against a language qualification for voting. The present law, of course, imposes the requirement that voters must be able to read and write the English language. This operates to disfranchise a considerable number of American citizens of Puerto Rican ancestry in St. Croix who speak Spanish. They would vote in Puerto Rico, and I think that it is right that they should be permitted to vote in St. Croix. I suggest that "language" be inserted after "property" in line 20 on page 5.

Section 5 (b).—In view of the fact that the bill proposes to abolish the present municipalities and subdivisions thereof now used for the election of members of the municipal councils and legislative assembly and to create three new legislative districts without reference to the municipalities, I think it is important that the composition of the new districts should be precisely defined. I would suggest that the first 2 sentences of section 5 (b) be reconstituted as 3 sentences to read as follows:

"(b) The legislature shall be composed of eleven members to be known as representatives. The Virgin Islands shall be divided into three legislative districts, as follows: the District of Saint Thomas, comprising Saint Thomas, Hassel, Water, Savana, Inner Brass, Outer Brass, Hans Lollik, Little Hans Lollik, Great Saint James, Little Saint James and Capella islands, Thatch Cay and adjacent islets and cays; the District of Saint Croix, comprising Saint Croix and Buck islands and adjacent islets and cays; and the District of Saint John, comprising Saint John and Flanagan islands, Grass, Mingo, Lovango and Congo cays and adjacent islets and cays. Two representatives shall be elected by the qualified electors of the District of Saint Thomas; two representatives shall be elected by the qualified electors of the District of Saint Croix; and one representative shall be elected by the qualified electors of the District of Saint John."

I am very glad that the bill includes the limited vote provision for representatives at large. This will insure representation to St. Croix and also to important elements in St. Thomas which might otherwise not be represented.

At the end of section 5 (b) appears the following sentence: "The order of names upon the ballot shall be determined by lot among the candidates." Is not

this a matter of detail of election procedure which ought to be left to the legislature to determine and from time to time to change, if necessary, in the local election law? I would suggest omitting it from the draft.

Section 6 (e).—I think that the provisions of this subsection with respect to the number of round trips from his home to Charlotte Amalie which a member of the legislature from St. John or St. Croix may make during a calendar year is a little too limited. Ought not each such member be permitted to travel to and from each regular and special session of the legislature at government expense and also to make a trip to and from his home at government expense during each weekend of the regular session? I should think that he ought to have this opportunity in order to keep in touch with his constituents. There would ordinarily be 8 weekends during a regular session of 60 calendar days. I would, therefore, suggest that the last part of the second sentence of section 6 (e) which now reads: "and shall be reimbursed for his actual travel expenses in going to and returning from each session, or period thereof, for not to exceed a total of eight round trips during any calendar year." be changed to read: "and shall be reimbursed for his actual travel expenses in going to and returning from each session and, in addition, for not more than eight round trips to and from his home during each regular session."

Section 6 (h).—I am very much disturbed by the provision that vacancies in the legislature should be filled by appointment by the judge of the district court. The present high standing of the district court in the community has been achieved in great part by Judge Moore's studied effort to keep completely out of local politics. To give this appointing power to the judge of the district court would mean that he would necessarily be thrown into local politics at a most controversial point. A judge should not in my view be put in this position or be subjected to the inevitable pressure which would result. It would be likely to have a most unfortunate effect upon the standing of the court. If there is anything which has been demonstrated by experience in this country it is that courts can best operate if they are confined strictly to judicial functions and that the imposition upon them of nonjudicial duties such as this inevitably impairs their usefulness as judges to a greater or lesser extent. It seems to me that the logical way in which to handle this vacancy problem is to give the legislature itself the power to fill a vacancy. If, however, you think that this is unwise I would urge you to confer the power upon the Governor rather than upon the judge of the district court.

The third sentence of section 6 (h) reads: "If the vacant office is that of a representative at large, the residence of the person appointed shall not be material." I think that this language is not strictly accurate since the person must reside in the Virgin Islands. I would, therefore, suggest that for the last clause of the sentence there be substituted: "the person appointed may be a resident of any part of the Virgin Islands." I think however, that the sentence is not really needed at all and may, therefore, properly be omitted since there is no contrary provision in the bill and in its absence it would necessarily follow that the successor of a representative at large may himself be appointed at large.

Section 7 (a).—I think that in the first sentence the phrases "in regular session" and "in any calendar year" are tautological and should be omitted so that the sentence will read "Regular session of the legislature shall be held annually, commencing on the second Monday in January, and shall continue for not more than sixty consecutive calendar days." This, I believe, will be entirely clear and precise.

Section 7 (b).—In this subsection the word "capital," should I think, be "capitol." Is not the reference to the legislative building in Charlotte Amalie in which the sessions of the present municipal council and legislative assembly are held?

Section 8 (d).—I think there should be a comma after "recommendations" in the second sentence. The provisions of this subsection for the revision and publication of the laws are excellent.

Section 9 (a).—I think a comma should be inserted after "meeting" in the second sentence.

Section 9 (b).—In line 16 on page 13 "into" should be deleted.

Section 10.—I suggest that at the end of the section the phrase "of said municipalities shall be transferred to the Government of the Virgin Islands" be amplified so as to read: "of the Municipality of Saint Thomas and Saint John and the Municipality of Saint Croix shall be transferred to the Government of the Virgin Islands and the said municipalities shall cease to exist." It seems to me that it would be well to have a definite provision in the act indicating that on the transfer

date, January 10, 1955, the present municipalities should definitely cease to exist as such.

Section 12.—I note that this section provides that the Government secretary shall reside in St. Croix and shall act as administrator for St. Croix. I can understand the desire that the second highest official of the government should be assigned to St. Croix since the Governor is to reside in St. Thomas. I seriously question, however, whether it would be feasible to so assign the Government secretary for the reason that his official duties are such that most of them can only be efficiently performed in St. Thomas. Thus he has custody of the seal and is required to countersign and affix it to all proclamations and orders of the Governor. It would certainly be cumbersome and inefficient to require that all such documents after being signed by the Governor in St. Thomas should have to be transmitted to St. Croix for countersignature and affixing of the seal. Moreover the Government secretary is custodian of all the records of the government, including the laws enacted by the legislature. I think that it would be very inefficient and troublesome to have all of these records maintained in St. Croix when the Governor and legislature are required to function in St. Thomas. I am, therefore, forced to conclude that the Government secretary ought to continue to reside and maintain his office in the capital of the Virgin Islands at St. Thomas, and that he cannot, therefore, function also as administrator for St. Croix.

Moreover it seems to me that there is serious question whether the office of administrator for St. Croix will be needed after the abolition of the municipalities. At present the municipality of St. Croix has a number of its own government departments and the department heads are supervised by the administrator as the Governor's delegate. But under the new setup all departments will be territorywide, each with a single head in charge, whether located in St. Thomas or St. Croix, who will supervise the operations of his department in both islands. Since the department heads report to the Governor the function of an administrator in St. Croix is not so clear, and might result in conflicting orders and confusion. If, however, it is thought necessary to maintain the separate office of administrator for St. Croix he could be appointed by the Governor or the Secretary of the Interior as at present. It might be possible to provide that the administrator for St. Croix (possibly to be called lieutenant governor for St. Croix) should be appointed by the President and that he should be acting Governor in the Governor's absence, rather than the Government secretary. This at least would give St. Croix recognition.

Section 15 (a).—I am not at all sure that the organization of the executive branch should be frozen into an act of Congress as proposed by this section. Is not this an unnecessary withdrawal of local autonomy and does the bill sufficiently indicate into which departments the existing functions of government are to go? For example, where do the present police and fire departments go? There is no department of public safety provided for. This whole subject seems to me to call for further study. I have two further specific questions to raise. The first is as to why the head of the department of finance should not continue to be known as the commissioner of finance as heretofore. All of the other department heads are to be known as commissioners and the present title of the head of the department of finance is commissioner of finance. My impression is that the office of treasurer is ordinarily a more limited office having to do only with the custody and disbursement of funds, whereas the head of the department of finance has much more extensive duties in connection with the raising and collection of revenues and the general supervision of the finances of the government. I would suggest the analogy of the Secretary of the Treasury and the Treasurer of the United States in the Federal Government and of the secretary of revenue and the State treasurer in the government of Pennsylvania.

My second query is as to the omission of a department of law or justice. I understand that the office of district attorney is intended, as at present, to furnish legal advice to the Governor. My impression is, however, that the district attorney has not served very well as a legal adviser to the Governor in the past and that the Governor probably ought to be provided at least with an independent legal adviser to advise him in connection with the many problems which arise in the executive and legislative branches of the government. Such an officer could, of course, be attached to the Governor's office directly and not necessarily be the head of a legal department. Therefore, I suppose that it is not necessary to make any express provision in the bill for the office at this point.

Sections 16, 17, and 18.—These sections provide for a government comptroller and review of accounts by the Comptroller General. The government comptroller is to be appointed by the Secretary of the Interior on nomination of the

Comptroller General. I do not know whether this would be workable. Suppose they do not agree on the appointment. Must the Secretary appoint the Comptroller's nominee? Moreover my impression is that this is an overelaborate and expensive provision for a very small territory and that duplication of accounts with the department of finance may be involved. Is there not conflict between the power over the accounts given to the government comptroller by section 16 (b), (c), and (d) and that given to the Comptroller General by section 17.

In section 16 (i) a right of appeal is given to the district court without defining its jurisdiction or power in such cases. Should not "or to the District Court of the Virgin Islands" at the end of that subsection read "or suit in the District Court of the Virgin Islands if the claim is otherwise within its jurisdiction"? My impression is that these three sections need further study.

Section 19.—Subsection (b) provides that the salaries of heads of executive departments shall be fixed by the Secretary of the Interior but subsection (c) provides that they shall be paid out of the Virgin Islands treasury. This does not seem to me fair or democratic. If these salaries are to be paid by local taxpayers should they not be fixed by the local legislature? If they are to be fixed by the Secretary of the Interior should they not be paid out of the Federal Treasury?

Section 27.—I have not had opportunity to become familiar with the technical details of the tax and revenue problems dealt with in this section. I think it is basically sound, however, that Federal internal revenue taxes on articles produced in an unincorporated territory, such as Puerto Rico, Guam, or the Virgin Islands, should go to the local treasury, rather than to the Federal Treasury. For it is true that these unincorporated territories not destined for statehood are being taxed without any present or future hope of representation. It seems democratic and fair, therefore, that any taxation imposed upon them by Congress ought to be for their own benefit and subject to disposition by their own elected representatives. This has been the policy with respect to Puerto Rico and Guam and I think that it is appropriate to apply the same policy to the Virgin Islands. In this connection I note the provisions of section 30 of the Organic Act of Guam of 1950 (48 U. S. C. sec. 1421h) are as follows:

"Sec. 30. All custom duties and Federal income taxes derived from Guam, the proceeds of all taxes collected under the internal-revenue laws of the United States on articles produced in Guam and transported to the United States, its territories or possessions, or consumed in Guam, and the proceeds of any other taxes which may be levied by the Congress on the inhabitants of Guam, and all quarantine, passport, immigration, and naturalization fees collected in Guam shall be covered into the treasury of Guam and held in account for the government of Guam, and shall be expended for the benefit and government of Guam in accordance with the annual budgets."

While you may have in mind factors which call for limiting the amount of internal revenues to be returned to the Virgin Islands as section 27 proposes to do, I personally deplore this apparent discrimination against the Virgin Islands and in favor of Guam, which is quite similarly situated, and I would like to see a simple provision along the lines of section 30 of the Guam Organic Act incorporated in the bill.

Section 34.—I think that the provisions of this section are very good as far as they go and will afford a measure of relief for the immigration problems involving the inhabitants of Tortola and the other neighboring islands of the British Virgin Islands group. This is a very pressing problem, however, with which I hope that Congress will soon deal more fully. Here is a small group of about 7,000 people in the British Virgin Islands who are closely akin to the inhabitants of the American Virgin Islands in race, language, and customs, who are almost wholly dependent upon St. Thomas and St. Croix for the support of their economy, but who are nonetheless cut off from them by international immigration and customs barriers. Their labor and products are both badly needed in the American Virgin Islands and it is, therefore, very much in the public interest that these restrictions be eased in this particular area. As a minimum I should think that natives of the British Virgin Islands should be taken off the quota system in addition to the easing of the requirements for nonimmigrant laborers which section 34 proposes.

The natives of all the British West Indies were virtually unaffected by quota restrictions prior to December 24, 1952, the effective date of the Immigration and Nationality Act, because they came within the British quota which was never filled. That act by imposing quotas of 100 on each colony has virtually stopped all immigration. At the same time no quota restrictions apply to natives of the Dominican Republic, Haiti, and the other independent republics of Central and South America. This is unfair and it could be corrected by amending section 101 (a) (27) (C) of the Immigration and Nationality Act to read as follows:

“(C) an immigrant who was born in Canada, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the British Virgin Islands, the Canal Zone, or an independent country of Central or South America, and the spouse or child of any such immigrant, if accompanying or following to join him;”

CONCLUSION

In this overlong letter I have made a number of suggestions which have occurred to me with respect to the draft bill. May I say in conclusion that although I have referred to a number of specific instances where changes might be made, I regard the draft as an excellent piece of work and a very substantial improvement upon the prior bills. I hope very much that my suggestions may be useful to your committee and that it will be possible to procure the enactment at the present session of Congress of the revised organic act which is so badly needed.

With kindest regards, I am

Sincerely yours,

ALBERT B. MARIS.

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., March 24, 1954.

Hon. HUGH BUTLER,
United States Senate,
Washington D. C.

DEAR SENATOR BUTLER: This will acknowledge receipt of your letter of March 16, 1954, in which you request my views concerning certain legislative proposals pending before the Senate Committee on Interior and Insular Affairs which would permit certain residents of the British Virgin Islands to enter, remain in, and leave the American Virgin Islands without the restrictions applicable to aliens from other areas. You also asked that I furnish the committee with certain factual information.

I regret very much that, under the established policies and procedure of the Department of Justice, it is not permissible for me to comment at this time concerning the suggestions for legislation which you mentioned. It is not the practice of the Department to comment formally on such preliminary proposals and suggestions. If and when a bill incorporating such proposals in concrete form is actually introduced in the Congress, and a report thereon is requested by the appropriate congressional committee, the comments of this Department are furnished by the Deputy Attorney General. At the request of the latter, this Service furnishes him with whatever comments we may have concerning pending legislative proposals.

Insofar as the records of this Service contain such information, I am pleased to furnish the factual data which you requested in your letter:

(1) You asked to be informed concerning the approximate number of aliens in the Virgin Islands, their country of origin of the major groups, and the occupations they follow in the American islands. In January 1953 (the latest available figures), some 1,579 aliens reported a permanent resident status in the Virgin Islands of the United States. The principal nationalities were:

British.....	1, 165	Belgian.....	17
French.....	169	Danish.....	14
Canadian.....	21	Estonian.....	13
Dominican Republic.....	31	Netherlands.....	13

In all other countries reported, there were less than 10 in the nationality group. Our statistics show only the nationality of those aliens and not their country of origin. It seems probable, however, that the great majority of those shown above as British nationals are, in fact, natives of the British Virgin Islands. We have no information concerning the occupations followed by these aliens. It is possible that either the Interior or Labor Departments may be able to furnish you with that information.

(2) You inquired concerning the amount of head tax or other tax or fees imposed on aliens entering the Virgin Islands. Under the Immigration and Nationality Act, the payment of head tax which was required of aliens by prior provisions of the immigration laws was eliminated. Aliens who enter the Virgin Islands at this time are subject to such visa fees as may be prescribed by law for aliens entering other parts of the United States. For instance, section 281 of that act requires that an immigrant pay a fee of \$5 for the furnishing and verification of

each application for an immigrant visa and an additional fee of \$20 for the issuance of such a visa. Fees for nonimmigrant visas for nationals of each foreign country are established by the Secretary of State upon a reciprocal basis corresponding as nearly as practicable to similar fees imposed by such foreign countries upon nationals of the United States. However, not every nonimmigrant entering the Virgin Islands is required to present a nonimmigrant visa. For instance, such documents are waived on behalf of British subjects residing in British territory in the West Indies who apply for admission into our Virgin Islands. Similar waivers are granted on behalf of French and Dutch nationals who reside, respectively, in French or Dutch territory in the West Indies and who seek to enter the Virgin Islands. Should you desire additional information concerning waivers of documentary requirements in connection with the entry of immigrants or nonimmigrants to the United States, I refer you to parts 211 and 212, title 8, Code of Federal Regulations.

(3) You asked for my views concerning the need for continued or more liberal importation of alien labor to the islands and its present rate. We have no definite information concerning this question. It is possible that the information you desire may be available through the Interior or Labor Departments.

Sincerely,

ARGYLE R. MACKEY,
Commissioner.

CONCLUSION

Your committee is unanimously of the opinion that enactment of S. 3378 would be in the best interests of the people of the Virgin Islands and of the people of the United States as a whole. It would confer greater responsibilities, and a higher degree of self-government, both economic and political, upon the Virgin Islands. At the same time, it would eliminate much wasteful duplication and inefficiency in the local government, and would be a significant step forward toward greater self-sufficiency and a still higher degree of self-government.

CHANGES IN EXISTING LAW

In compliance with the Cordon Rule subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, S. 3378, are shown below. The provisions of S. 3378 are set forth in the left-hand column, opposite the provisions of existing laws which would be amended or repealed thereby. Unless otherwise indicated, the sections set forth in the right-hand column are from the act of June 22, 1936 (49 Stat. 1807), as amended (48 U. S. C., sec. 1405 et seq.).

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SEC. 1. That this Act may be cited as the "Revised Organic Act of the Virgin Islands".

Act of June 22, 1936 (49 Stat. 1807) as amended (48 U. S. C., sec. 1405 et seq.).

SEC. 41. This Act may be cited as the Organic Act of the Virgin Islands of the United States.

SEC. 2. (a) The provisions of this Act, and the name "Virgin Islands" as used in this Act, shall apply to and include the territorial domain, islands, cays, and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified

SEC. 1. That the provisions of this Act, and the name "the Virgin Islands" as used in this Act, shall apply to and include the territorial domain, lands and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified

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by the Senate on September 7, 1916 (39 Stat. 1706). The Virgin Islands as above described are hereby declared an unincorporated territory of the United States of America.

(b) The government of the Virgin Islands shall have the powers set forth in this Act and shall have the right to sue by such name and to be sued: *Provided*, That no tort action shall be brought against the government of the Virgin Islands or against any officer or employee thereof in his official capacity without the consent of the legislature constituted by this Act.

The capital and seat of government of the Virgin Islands shall be located at the city of Charlotte Amalie, in the island of Saint Thomas.

by the Senate on September 7, 1916 (39 Stat. L. 1706).

SEC. 2. The insular possession which is the Virgin Islands shall be divided into two municipalities, namely, (1) the municipality of Saint Croix and (2) the municipality of Saint Thomas and Saint John. The boundaries of said municipalities shall be the same as at present established in accordance with laws in force on the date of enactment of this Act, and the capital and seat of the central government shall be Saint Thomas. In this Act the phrase "the Government of the Virgin Islands" shall include, in addition to the governing authority of the insular possession, the governing authority of the two municipalities, unless the context shall indicate a different intention.

SEC. 3. The inhabitants of the municipality of Saint Croix and of the municipality of Saint Thomas and Saint John are hereby constituted into bodies politic and juridic, under the present name of each such municipality, and as such bodies they shall have perpetual succession and power (a) to adopt and use an official seal; (b) to sue and in cases arising out of contract to be sued; (c) to demand the fulfillment of obligations under the law and to defend and prosecute all actions at law; (d) to acquire property by purchase, exchange, donation or bequest, by virtue of proceedings for the collection of taxes, by eminent-domain proceedings, or by any other means provided by law, and to possess, administer, and govern such property; and (e) to alienate or encumber any of their property, subject to the provisions of this Act.

BILL OF RIGHTS

SEC. 3. No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to any person therein equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to be represented by counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence against

BILL OF RIGHTS

SEC. 34. No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to any person therein equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to be represented by counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence

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himself; nor shall any person sit as judge or magistrate in any case in which he has been engaged as attorney or prosecutor.

All persons shall be bailable by sufficient sureties in the case of criminal offenses, except for first-degree murder or any capital offense when the proof is evident or the presumption great.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned or shall suffer forced labor for debt.

All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

No ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken for public use except upon payment of just compensation ascertained in the manner provided by law.

The right to be secure against unreasonable searches and seizures shall not be violated.

No warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Slavery shall not exist in the Virgin Islands.

Involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted by a court of law, shall not exist in the Virgin Islands.

No law shall be passed abridging the freedom of speech or of the press or the right of the people peaceably to assemble and petition the government for the redress of grievances.

No religious test shall ever be required as a qualification to any office or public trust under the government of the Virgin Islands.

No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of the Virgin Islands or of the United States shall be qualified to hold any office of trust or profit under the government of the Virgin Islands.

No money shall be paid out of the Virgin Islands treasury except in accordance with an Act of Congress or money bill of the legislature.

The contracting of polygamous or plural marriages is prohibited.

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against himself; nor shall any person sit as judge or magistrate in any case in which he has been engaged as attorney or prosecutor.

All persons shall be bailable by sufficient sureties in the case of criminal offenses, except for first-degree murder or any capital offense when the proof is evident or the presumption great.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned or shall suffer forced labor for debt.

All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

No ex-post-facto law or bill of attainder shall be enacted.

Private property shall not be taken for public use except upon payment of just compensation ascertained in the manner provided by law.

Nothing contained in this Act shall be construed to limit the power of the municipal councils herein provided to enact laws for the protection of life, the public health, or the public safety.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

The right to be secure against unreasonable searches and seizures shall not be violated.

No warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Slavery shall not exist in the Virgin Islands.

Involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall not exist in the Virgin Islands.

No law shall be passed abridging the freedom of speech or of the press or the right of the people peaceably to assemble and petition the Government for the redress of grievances.

No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and no political or religious test other than an oath to support the Constitution and the laws of the United States applicable to the Virgin Islands, and the laws of the Virgin Islands, shall be required as a qualification to any office or public trust under the Government of the Virgin Islands.

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The employment of children under the age of sixteen years in any occupation injurious to health or morals or hazardous to life or limb is prohibited.

Nothing contained in this Act shall be construed to limit the power of the legislature herein provided to enact laws for the protection of life, the public health, or the public safety.

FRANCHISE

SEC. 4. The franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, twenty-one years of age or over. Additional qualifications may be prescribed by the legislature: *Provided, however*, That no property or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

LEGISLATIVE BRANCH

SEC. 5. (a) The legislative power and authority of the Virgin Islands shall be vested in a legislature, consisting of one house, to be designated the "Legislature of the Virgin Islands", herein referred to as the legislature.

(b) The legislature shall be composed of eleven members to be known as representatives. The Virgin Islands shall be divided into three legislative districts, as follows: the District of Saint Thomas, comprising Saint Thomas Hassel, Water, Savana, Inner Brass, Outer Brass, Hans Lollik, Little Hans Lollik, Great Saint James, Little Saint James, and Capella Islands, Thatch Cay and adjacent islets and cays; the District of Saint Croix, comprising Saint Croix and Buck Islands and adjacent islets and cays; and the District of Saint John, comprising Saint John and Flanagan Islands, Grass, Mingo, Lovango, and Congo cays and adjacent islets and cays. Two representatives shall be elected by the qualified electors of the District of Saint Thomas; two representatives shall be elected by the qualified electors of the District of Saint Croix; and one representative shall

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The contracting of polygamous or plural marriages is prohibited.

No money shall be paid out of the treasury except in accordance with an Act of Congress or money bill of the local legislative authority having jurisdiction and on warrant drawn by the proper officer.

The employment of children under the age of fourteen years in any occupation injurious to health or morals or hazardous to life or limb is hereby prohibited.

FRANCHISE

SEC. 17. Beginning on January 1, 1938, or on such earlier date subsequent to January 1, 1937, as may be fixed by local law or ordinance for either municipality, and thereafter, the franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, twenty-one years of age or over, and able to read and write the English language. Additional qualifications may be prescribed by the legislative assembly: *Provided, however*, That no property or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

LEGISLATIVE BRANCH

SEC. 5. All local legislative powers in the municipality of Saint Croix, except as herein otherwise provided, shall be vested in a local legislative assembly, which shall be designated the "Municipal Council of Saint Croix." Said council shall consist of nine members elected by the qualified electors of the municipality for a term of two years beginning the 1st day of January next succeeding the date of election. The members shall be elected in four representative districts, two of which shall be the town of Christiansted and the country district thereof, and two of which shall be the town of Frederiksted and the country district thereof, as defined by law in force on the date of enactment of this Act: *Provided*, That two members shall be elected for each of said districts and one member at large.

SEC. 6. All local legislative powers in the municipality of Saint Thomas and Saint John, except as herein otherwise provided, shall be vested in a local legislative assembly which shall be designated the "Municipal Council of Saint Thomas and Saint John." Said

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be elected by the qualified electors of the District of Saint John. The other six representatives shall be representatives at large and shall be elected by the qualified electors of the Virgin Islands from the Virgin Islands as a whole: *Provided*, That in the election of representatives at large, each elector shall be entitled to vote for two candidates, and the candidates receiving the largest number of votes shall be declared elected up to the number to be elected at that election. The order of names upon the ballot for each office shall be determined alphabetically for the first five hundred ballots printed, and thereafter the names shall be alternated on each succeeding group of five hundred ballots.

SEC. 6. (a) The term of office of each member of the legislature shall be two years. The term of office of each member shall commence on the second Monday in January following his election.

(b) No person shall be eligible to be a member of the legislature who is not a citizen of the United States, who has not attained the age of twenty-five years, who is not a qualified voter in the Virgin Islands, who has not been a bona fide resident of the Virgin Islands for at least three years next preceding the date of his election, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights. Federal employees and persons employed in the legislative, executive or judicial branches of the government of the Virgin Islands shall not be eligible for membership in the legislature.

(c) All officers and employees charged with the duty of directing the administration of the electoral system of the Virgin Islands and its representative districts shall be appointed in such manner as the legislature may by law direct.

(d) No member of the legislature shall be held to answer before any tribunal other than the legislature for any speech or debate in the legislature and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature and in going to and returning from the same.

(e) Each member of the legislature shall be paid the sum of \$600 annually, one-third on the second Monday in January, one-third on the second Monday in February, and one-third at the close of the regular session. Each member of the legislature who is away from the island of his residence shall also

council shall consist of seven members elected by the qualified electors of the municipality for a term of two years beginning the 1st day of January next succeeding the date of election. The members shall be elected in three representative districts, one of which shall be the town district and one the country district of Saint Thomas, and one the district of Saint John, as defined by law in force on the date of enactment of this Act: *Provided*, That two members shall be elected for each of the districts of Saint Thomas, one member for the district of Saint John, and two members at large.

SEC. 7. After January 1, 1937, joint sessions of said municipal councils shall constitute and shall be designated the "Legislative Assembly of the Virgin Islands." The legislative assembly shall convene in Saint Thomas upon call by the Governor, and also whenever both municipal councils shall determine by resolutions passed by each of them: *Provided*, That the Governor shall call the legislative assembly at least once during each calendar year. The legislative assembly shall have power to enact legislation applicable to the Virgin Islands as a whole, but no legislation shall be considered other than that specified in the message by the Governor calling such a session, or in both of said resolutions: *Provided further*, That so long as the membership of the legislative assembly does not exceed sixteen members, a quorum of the legislative assembly shall consist of not less than ten members, and no bill shall be enacted until it shall be passed by a two-thirds majority vote of the members present. The municipal councils shall not enact laws or ordinances in conflict with the enactments of the legislative assembly.

SEC. 9. No person shall be eligible to be a member of either municipal council unless he is a citizen of the United States, over twenty-five years of age, is a qualified voter of the municipality in which elected, has resided in the Virgin Islands for a period of not less than three years next preceding the date of election, and has not been convicted of a felony or of a crime involving moral turpitude. Each municipal council may exclude from membership therein persons receiving compensation from the Government of the United States or from either of the municipal governments of the Virgin Islands.

SEC. 10. The members of each municipal council shall receive allowance

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receive the sum of \$10 per day for each day's attendance while the legislature is actually in session, in lieu of his expenses for subsistence, and shall be reimbursed for his actual travel expenses in going to and returning from each session, or period thereof, for not to exceed a total of eight round trips during any calendar year. The salaries, per diem, and travel allowances of the members of the legislature shall be paid by the government of the United States.

(f) No member of the legislature shall hold or be appointed to any office which has been created by the legislature, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, or during one year after the expiration of such term.

(g) The legislature shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpoena to witnesses and other parties concerned, and administer oaths. The rules of the Legislative Assembly of the Virgin Islands existing on the date of approval of this Act shall continue in force and effect for sessions of the legislature, except as inconsistent with this Act, until altered, amended, or repealed by the legislature.

(h) The Governor of the Virgin Islands shall fill any vacancy in the office of member of the legislature by appointment. If the vacant office is that of a representative from a district, the person appointed shall be a resident of the district from which the member whose office is vacant was elected. If the vacant office is that of a representative at large the person appointed may be a resident of any part of the Virgin Islands. In any case, the person appointed shall serve for the remainder of the unexpired term.

SEC. 7. (a) Regular sessions of the legislature shall be held annually, commencing on the second Monday in January, and shall continue for not more than sixty consecutive calendar days. The Governor may call special sessions of the legislature at any time when in his opinion the public interests may require it, but no special session shall continue longer than fifteen calendar days, and the aggregate of such special sessions during any calendar year shall not exceed thirty calendar

for actual travel expenses and such reasonable subsistence as may be prescribed by the council.

SEC. 11. The respective municipal councils shall be the sole judges of the elections, returns, and qualifications of their members, shall be vested with the authority and attributes inherent in legislative bodies, and shall jointly or separately have the power to institute and conduct investigations, issue subpoenas to witnesses and other parties concerned, and administer oaths. Existing rules of the colonial councils shall continue in force and effect, except as inconsistent with this Act, until altered, amended, or repealed by the respective municipal councils. No member shall be held to answer before any tribunal other than the respective municipal councils themselves for any speech or debate in the municipal councils and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the municipal councils and in going to and returning from the same.

SEC. 12. Each municipal council shall annually appoint from among its members, for a term of one year, three members to serve as a standing committee, which, under the name of the "Municipal Committee", shall advise the Governor concerning the management of the fiscal affairs of the municipality, and concerning matters relating to the municipality. The procedure of the Municipal Committee shall be in accordance with bylaws adopted by the municipal council and approved by the Governor. The Municipal Committee shall have power when granted by local law to recommend to the Governor transfers between items in the annual budgets, and loans from municipal funds, but no such transfers or loans shall be made by the Governor except upon the recommendation of the Municipal Committee.

SEC. 13. Each municipal council shall assemble for ordinary meetings on a certain day of every second month, which day shall be previously fixed by the Governor for the whole year, and for extraordinary meetings at the call of the Governor or the chairman of the council. The Governor may postpone the meetings of the municipal councils, but not for a longer period than fourteen days. The Municipal Council of Saint Thomas and Saint John shall convene at Saint Thomas,

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days. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session.

(b) Sessions of the legislature shall be held in the capital of the Virgin Islands at Charlotte Amalie, Saint Thomas.

SEC. 8. (a) The legislative authority and power of the Virgin Islands shall extend to all subjects of local application not inconsistent with this Act or the laws of the United States made applicable to the Virgin Islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty or international agreement entered into by the United States, nor shall the lands or other property of nonresidents be taxed at a higher rate than the lands or other property of residents. No public indebtedness of the Virgin Islands shall be authorized or allowed in excess of 10 per centum of the aggregate tax valuation of the property in the Virgin Islands. Bonds or other obligations of the government of the Virgin Islands payable solely from revenues derived from any public improvement or undertaking shall not be considered public indebtedness of the Virgin Islands within the meaning of this section. All bonds issued by the government of the Virgin Islands or by its authority shall be exempt, as to principal and interest, from taxation by the Government of the United States or by the government of the Virgin Islands, or by any State or Territory or any political subdivision thereof, or by the District of Columbia.

(b) The laws of the United States applicable to the Virgin Islands on the date of approval of this Act, including laws made applicable to the Virgin Islands by or pursuant to the provisions of the Act of June 22, 1936 (49 Stat. 1807), and all local laws and ordinances in force in the Virgin Islands on the date of approval of this Act shall, to the extent they are not inconsistent with this Act, continue in force and effect until otherwise provided by the Congress: *Provided*, That the legislature shall have power, when within its jurisdiction and not inconsistent with the other provisions of this Act, to amend, alter, modify, or repeal any local law or ordinance, public or private, civil or criminal, continued in force and effect by this Act, except as herein otherwise provided, and to enact new laws not inconsistent with any law of the

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and the Municipal Council of Saint Croix shall convene at Christiansted.

SEC. 19. The legislative power of the Virgin Islands shall extend to all subjects of local application not inconsistent with this Act or the laws of the United States made applicable to said islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty entered into by the United States, nor shall the lands or other property of nonresidents be taxed higher than the lands or other property of residents.

SEC. 18. The laws of the United States applicable to the Virgin Islands on the date of enactment of this Act, and all local laws and ordinances in force on such date in the Virgin Islands, not inconsistent with this Act, shall continue in force and effect: *Provided*, That the Municipal Council of Saint Croix and the Municipal Council of Saint Thomas and Saint John, and the legislative assembly, shall have power, when not inconsistent with this Act and within their respective jurisdictions, to amend, alter, modify, or repeal any law of the United States of local application only, or any ordinance, public or private, civil or criminal, continued in force and effect by this Act, except as herein otherwise provided, and to enact new laws and ordinances not inconsistent with this Act and not inconsistent with the laws of the United States hereafter made applicable

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United States applicable to the Virgin Islands, subject to the power of Congress to annul any such Act of the legislature.

to the Virgin Islands or any part thereof, subject to the power of the Congress to annul the same. The laws of the United States relating to patents, trade marks, and copyrights, and to the enforcement of rights arising thereunder, shall have the same force and effect in the Virgin Islands as in the continental United States, and the District Court of the Virgin Islands shall have the same jurisdiction in causes arising under such laws as is exercised by United States district courts.

SEC. 4. (b) Except as otherwise expressly provided, all laws of the United States for the protection and improvement of the navigable waters of the United States shall apply to the Virgin Islands.

(c) No Federal laws levying tonnage duties, light money, or entrance and clearance fees shall apply to the Virgin Islands.

(d) The Legislative Assembly of the Virgin Islands shall have power to enact navigation, boat inspection, and safety laws of local application; but the President shall have power to make applicable to the Virgin Islands such of the navigation, vessel inspection, and coastwise laws of the United States as he may find and declare to be necessary in the public interest, and, to the extent that the laws so made applicable conflict with any laws of local application enacted by the Legislative Assembly, such laws enacted by the Legislative Assembly shall have no force and effect.

(e) Nothing in this Act shall be construed to affect or impair in any manner the terms and conditions of any authorizations, permits, or other powers heretofore lawfully granted or exercised in or in respect of the Virgin Islands by any authorized officer or agent of the United States.

(c) The President of the United States shall appoint a commission of seven persons, at least three of whom shall be residents of the Virgin Islands, to survey the field of Federal statutes and to make recommendations to the Congress within twelve months after the date of approval of this Act as to which statutes of the United States not applicable to the Virgin Islands on such date should be made applicable to the Virgin Islands, and as to which statutes of the United States applicable to the Virgin Islands on such date should be declared inapplicable. The members of the commission shall receive no salary for their service on the commission, but under regulations and in amounts pre-

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scribed by the Secretary of the Interior, they may be paid, out of Federal funds, reasonable per diem fees, and allowances in lieu of subsistence expenses, for attendance at meetings of the commission, and for time spent on official business of the commission, and their necessary travel expenses to and from meetings or when upon such official business, without regard to the Travel Expense Act of 1949.

(d) The Secretary of the Interior shall arrange for the preparation, at Federal expense, of a code of laws of the Virgin Islands, to be entitled the "Virgin Islands Code", which shall be a consolidation, codification and revision of the local laws and ordinances in force in the Virgin Islands. When prepared, the Governor shall submit it, together with his recommendations, to the legislature for enactment. Upon the enactment of the Virgin Islands Code it and any supplements to it shall be printed, at Federal expense, by the Government Printing Office as a public document.

SEC. 9. (a) The quorum of the legislature shall consist of seven of its members. No bill shall become a law unless it shall have been passed at a meeting at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.

(b) The enacting clause of all acts shall be as follows: "Be it enacted by the Legislature of the Virgin Islands".

(c) The Governor shall submit at the opening of each regular session of the legislature a message on the state of the Virgin Islands and a budget of estimated receipts and expenditures, which shall be the basis of the appropriation bills for the ensuing fiscal year, which shall commence on the first day of July.

(d) Every bill passed by the legislature shall, before it becomes a law, be presented to the Governor. If the Governor approves the bill, he shall sign it. If the Governor disapproves the bill, he shall, except as hereinafter provided, return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him. If the Governor does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him, otherwise it shall not be a law. When a bill is returned by the Governor to the

SEC. 14. The Governor may introduce bills in the respective municipal councils. The Governor shall submit to the respective municipal councils, at least ninety days before the close of each fiscal year, a budget of estimated receipts and expenditures for the respective municipalities, which shall be the basis for the annual local appropriation bills for such municipalities. He shall from time to time submit to the respective municipal councils such reports concerning the fiscal affairs of the municipalities as may be requested by resolution of either municipal council.

SEC. 15. The quorum of each municipal council shall consist of an absolute majority of all its members. No bill shall become a law until it shall be passed by a majority (yea-and-nay) vote of the members present and voting of the municipal council having jurisdiction, entered upon the journal, and approved by the Governor, except as otherwise herein provided. Each municipal council shall keep a journal of its proceedings and publish the same during the year, and the yeas and nays of the members voting on any question shall be entered on the journal.

SEC. 16. New legislation, and repeals, alterations, and amendments of local laws of the Virgin Islands by the municipal council having jurisdiction, and by the legislative assembly, shall be effective and enforced when, and to the extent, such new legislation, repeals, alterations, and amendments are ap-

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legislature with his objections, the legislature shall enter his objections at large on its journal and proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature agree to pass the bill, it shall be presented anew to the Governor. If he then approves it, he shall sign it; if not, he shall within ten days after it has been presented to him transmit it to the President of the United States. If the President approves the bill, he shall sign it. If he disapproves the bill, he shall return it to the Governor, so stating, and it shall not be a law. If the President neither approves nor disapproves the bill within ninety days from the date on which it is transmitted to him by the Governor, the bill shall be a law in like manner as if the President had signed it. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect.

(e) If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payment of the obligations and necessary current expenses of the Government of the Virgin Islands for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item.

(f) The legislature shall keep a journal of its proceedings and publish the same. Every bill passed by the legislature and the yeas and nays on any question shall be entered on the journal.

(g) Copies of all laws enacted by the legislature shall be transmitted within fifteen days of their enactment by the Governor to the Secretary of the Interior and by him annually to the Congress of the United States.

proved by the Governor, and the Governor shall state specifically in each case whether his approval or disapproval is in whole or in part, and if in part only, what part is approved and what part not approved. The Governor may veto any specific item or items in any bill which appropriates money for specific purposes, but shall veto other bills, if at all, only as a whole. If any bill passed by the municipal council having jurisdiction or by the legislative assembly be disapproved in whole or in part by the Governor, the Governor shall within thirty calendar days return such bill to the said municipal council or to the legislative assembly, whether in actual session or not, setting forth his objections: If after reconsideration by the legislative body having jurisdiction two-thirds of all the members of the said body pass such bill or part thereof, it shall be sent to the Governor who, in case he shall not then approve it, shall transmit the same to the President. If the President approves such bill or part of bill, he shall sign it and it shall become law; if he does not approve such bill or part of bill, he shall return it to the Governor, so stating, and it shall not become law. If any bill shall not be returned by the Governor as herein provided within thirty calendar days after it shall have been presented to him the same shall become a law in like manner as if he had signed it. The President shall approve or disapprove an act submitted to him under the provisions of this section within three months from and after its presentation for his approval; and if not acted upon within such time, it shall become a law the same as if it had been specifically approved. All laws enacted by the Municipal Council of Saint Croix, by the Municipal Council of Saint Thomas and Saint John, or by the legislative assembly, shall be reported by the Governor to the Secretary of the Interior, and by him to the Congress, which hereby reserves the power and the authority to annul the same. The laws not annulled shall be published annually as a public document. If at the termination of any fiscal year the appropriation necessary for the support of the municipal government for the ensuing fiscal year shall not have been made, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated, item by item; and until

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SEC. 10. The next general election in the Virgin Islands shall be held on November 2, 1954. At such time there shall be chosen the entire membership of the legislature as herein provided. Thereafter the general elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1956, and every two years thereafter. The Municipal Council of Saint Thomas and Saint John, and the Municipal Council of Saint Croix, existing on the date of approval of this Act, shall continue to function until January 10, 1955, at which time all of the functions, property, personnel, records, and unexpended balances of appropriations and funds of the governments of the municipality of Saint Thomas and Saint John and the municipality of Saint Croix shall be transferred to the government of the Virgin Islands and the said municipalities shall cease to exist.

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the municipal council of the municipality having jurisdiction shall act in such behalf, the Governor may make the payments and collections necessary for the purpose aforesaid.

SEC. 8. The present colonial councils shall continue to function until January 1, 1937. The next general election in the Virgin Islands shall be held on November 3, 1936. At such election there shall be chosen the entire membership of each municipal council as herein provided. Thereafter the elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1938, and every two years thereafter. The terms of office of members of the respective colonial councils of the municipalities of Saint Thomas and Saint John and of Saint Croix, whose terms of office under existing law would expire prior to January 1, 1937, are hereby extended to that date.

Section 2, Act of March 3, 1917 (39 Stat. 1132), as Amended (48 U. S. C. sec. 1392)

That until Congress shall otherwise provide, insofar as compatible with the changed sovereignty and not in conflict with the provisions of this Act, the laws regulating elections and the electoral franchise as set forth in the code of laws published at Amalienborg the 6th day of April, 1906, and the other local laws, in force and effect in said islands on this 17th day of January, 1917, shall remain in force and effect in said islands, and the same shall be administered by the civil officials and through the local judicial tribunals established in said islands, respectively; and the orders, judgments, and decrees of said judicial tribunals shall be duly enforced. With the approval of the President, or under such rules and regulations as the President may prescribe, any of said laws may be repealed, altered, or amended by the colonial council having jurisdiction. The jurisdiction of the judicial tribunals of said islands shall extend to all judicial proceedings and controversies in said islands to which the United States or any citizen thereof may be a party.

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SEC. 11. The executive power of the Virgin Islands shall be vested in an executive officer whose official title shall be the "Governor of the Virgin Islands", and shall be exercised under the supervision of the Secretary of the Interior. The Governor of the Virgin Islands shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President and until his successor is chosen and qualified. The Governor shall reside in Saint Thomas during his official incumbency, and may reside in the Government House on Saint Thomas free of rent. He shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and may grant respites for all offenses against the laws of the United States applicable in the Virgin Islands until the decision of the President can be ascertained. He may veto any legislation as provided in this Act. He shall appoint all officers and employees of the executive branch of the Government of the Virgin Islands, except as otherwise provided in this or any other Act of Congress, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Virgin Islands and the laws of the United States applicable in the Virgin Islands. Whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia, to prevent or suppress violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the islands, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon made known. He shall annually, and at such other times as the President or the Congress may require, make official report of the transactions of the government of the Virgin Islands to the Secretary of the Interior, and his said annual report shall be transmitted to the Congress. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him

Act of June 22, 1936 (49 Stat. 1807) as amended (48 U. S. C., sec. 1405 et seq.)

SEC. 20. The executive power of the Virgin Islands and of the municipalities thereof shall be vested in an executive officer whose title shall be "the Governor of the Virgin Islands" and shall be exercised under supervision of the Secretary of the Interior. The Governor shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President and until his successor is chosen and qualified. The Governor shall reside in the Virgin Islands during his official incumbency. He shall have general supervision and control of all executive and administrative departments, bureaus, and offices of the Government of the Virgin Islands. He shall faithfully execute the laws of the United States applicable to the Virgin Islands, and the laws and ordinances of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and may grant respites for all offenses against the applicable laws of the United States until the decision of the President can be ascertained. He may veto any legislation as provided in this Act. He shall commission all officers that he may be authorized to appoint. He may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia, to prevent or suppress violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the islands, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon made known. He shall annually, and at such other times as the President or the Congress may require, make official report of the transactions of the Government of the Virgin Islands to the Secretary of the Interior, and his said annual report shall be transmitted to the Congress. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President, or by the Secretary of the Interior. He shall have the power to issue executive regulations not in conflict with any applicable law or ordinance. He may attend or may depute another person to represent him

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by the President, or by the Secretary of the Interior. He shall have the power to issue executive regulations not in conflict with any applicable law. He may attend or may designate another person to represent him at the meetings of the legislature, may give expressions to his views on any matter before that body, and may recommend bills to the legislature.

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at the meetings of the legislative authorities herein established, and may give expression to his views on any matter before such bodies.

SEC. 24. The Governor shall appoint, by and with the advice and consent of the municipal council having jurisdiction, all salaried officers and employees of the municipal governments whose salaries are provided for in the budgets of the municipal governments. In the event of a vacancy in any appointive office under the Government of the Virgin Islands, or the absence, illness, or temporary disqualification of any appointive officer, the Governor shall designate an officer or employee of the Government of the Virgin Islands to discharge the functions of such officer during such vacancy, absence, illness, or temporary disqualification.

Section 1, Act of March 3, 1917 (39 Stat. 1132; 48 U. S. C., sec. 1391)

That, except as hereinafter provided, all military, civil, and judicial powers necessary to govern the West Indian Islands acquired from Denmark shall be vested in a governor and in such person or persons as the President may appoint, and shall be exercised in such manner as the President shall direct until Congress shall provide for the government of said islands: *Provided*, That the President may assign an officer of the Army or Navy to serve as such governor and perform the duties appertaining to said office: *Provided further*, That the governor of the said islands shall be appointed by and with the advice and consent of the Senate: *And provided further*, That the compensation of all persons appointed under this Act shall be fixed by the President.

Act of June 22, 1936 (49 Stat. 1807) as amended (48 U. S. C., sec. 1405 et seq.)

SEC. 12. The President shall appoint a Government Secretary for the Virgin Islands, who shall reside in Saint Croix during his official incumbency, and may reside in the Government House on Saint Croix free of rent. He shall have custody of the seal of the Virgin Islands and shall countersign and affix such seal to all executive proclamations and all other executive documents. He shall record and preserve the laws enacted by the legislature. He shall promulgate all proclamations and orders of the Governor and all laws enacted by the legislature. He shall have such execu-

SEC. 21. The President shall appoint a Government Secretary for the Virgin Islands, who shall have all the powers of the Governor in the case of a vacancy or temporary removal, resignation, or disability of the Governor, or in case of his temporary absence. He shall have custody of the seal of the Virgin Islands and shall countersign and affix such seal to all executive proclamations and all other executive documents. He shall, when practicable, attend all meetings of the Municipal Council of Saint Thomas and Saint John, before which body he shall give expression to the

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tive powers and perform such other duties as may be assigned to him by the Governor. He shall also serve as the Administrator for Saint Croix, without additional compensation, and in that capacity shall act for the Governor in the administration of the affairs of Saint Croix.

advice of the Governor. He shall record and preserve the laws enacted by the legislative authorities herein established. He shall promulgate all proclamations and orders of the Governor and all laws enacted by said legislative authorities. He shall have all such executive powers and perform such other duties as may be prescribed by law or assigned to him by the Governor.

SEC. 22. The Secretary of the Interior shall appoint an Administrator for Saint Croix, who shall act for the Governor in the administration of the affairs of the municipality of Saint Croix. He shall, when practicable, attend all meetings of the Municipal Council of Saint Croix, before which body he shall give expression to the advice of the Governor. He shall exercise supervision over all administrative departments in the municipality of Saint Croix, subject to the direction of the Governor.

SEC. 23. The Secretary of the Interior shall appoint such other executive and administrative officers as may, in his discretion, be required. Such officers shall have such powers and duties as may be conferred or imposed upon them by law or ordinance, or by order of the Secretary of the Interior or executive regulation of the Governor not inconsistent with any such law or ordinance. The salary of all executive officers and employees appointed by the President or by the Secretary of the Interior shall be paid from funds appropriated for the Government of the Virgin Islands by the Congress in annual appropriation bills, or as may be otherwise provided by law. The officers appointed by the Secretary of the Interior shall hold office during his pleasure, and in making such appointments the Secretary shall give due consideration to natives of the Virgin Islands.

SEC. 13. The Secretary of the Interior may from time to time designate the Government Secretary or the head of an executive department of the government of the Virgin Islands to act as Governor in the case of a vacancy in the offices, or the disability or temporary absence, of the Governor, and the person so designated shall have all the powers of the Governor for so long as such condition continues.

SEC. 14. (a) The Governor shall, within one year after the date of approval of this Act, reorganize and consolidate the existing executive departments, bureaus, independent boards, agencies, authorities, commissions, and other instrumentalities of the govern-

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ment of the Virgin Islands or of the municipal governments into not more than nine executive departments, except for independent bodies whose existence may be required by Federal law for participation in Federal programs. The head of each executive department shall be designated as the Commissioner thereof, and the Commissioner of Finance shall be bonded. No other department, bureau, independent board, agency, authority, commission, or other instrumentality shall be created, organized, or established by the Governor or the legislature, without the prior approval of the Secretary of the Interior, unless required by Federal law for participation in Federal programs.

(b) The Governor shall, from time to time, examine the organization of the executive branch of the government of the Virgin Islands, and shall make such changes therein, not inconsistent with this Act, as he determines are necessary to promote effective management and to execute faithfully the purposes of this Act and the laws of the Virgin Islands.

(c) The heads of the executive departments created by this Act shall be appointed by the Governor, with the advice and consent of the legislature. Each shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is appointed and qualified, unless sooner removed by the Governor. Each shall have such powers and duties as may be prescribed by the legislature.

SEC. 15. (a) The Secretary of the Interior shall appoint a government comptroller who shall receive a salary of \$12,500 per annum. The government comptroller shall hold office for a term of ten years and until his successor is appointed and qualified unless sooner removed by the Secretary of the Interior for cause. The government comptroller shall not be eligible for reappointment.

(b) The government comptroller shall audit and settle all accounts and claims pertaining to the revenues and receipts from whatever source of the government of the Virgin Islands and of funds derived from bond issues; and he shall audit and settle, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands including those pertaining to trust funds held by the government of the Virgin Islands.

(c) It shall be the duty of the government comptroller to bring to the attention of the proper administrative officer

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failures to collect amounts due the government, and expenditures of funds or property which in his opinion are extravagant, excessive, unnecessary, or irregular.

(d) It shall be the duty of the government comptroller to certify to the Secretary of the Interior the net amount of government revenues which form the basis for Federal grants for the civil government of the Virgin Islands.

(e) The decisions of the government comptroller shall be final except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year from the date of the decision, to the Governor, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken with the reasons and the authorities relied upon for reversing such decision.

(f) If the Governor confirms the decision of the government comptroller, then relief may be sought by appeal to the legislature or suit in the District Court of the Virgin Islands if the claim is otherwise within its jurisdiction.

(g) The government comptroller is authorized to communicate directly with any person having claims before him for settlement, or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

(h) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptrollers shall submit to the Governor of the Virgin Islands an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government, classified according to municipalities.

(i) The government comptroller shall make such other reports as may be required by the Governor of the Virgin Islands, the Comptroller General of the United States, or the Secretary of the Interior.

(j) The office of the government comptroller shall be under the general supervision of the Secretary of the Interior, but shall not be a part of any executive department in the government of the Virgin Islands.

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SYSTEM OF ACCOUNTS

SEC. 16. The Governor shall establish and maintain systems of accounting and internal control designed to provide—

(a) full disclosure of the financial results of the government's activities;

(b) adequate financial information needed for the government's management purposes;

(c) effective control over and accountability for all funds, property, and other assets for which the government is responsible, including appropriate internal audit; and

(d) reliable accounting results to serve as the basis for preparation and support of the government's request for the approval of the President or his designated representative for the obligation and expenditure of the internal-revenue collections as provided in section 26, the Governor's budget requests to the legislature, and for controlling the execution of the said budget.

SEC. 17. The office and activities of the Government Comptroller of the Virgin Islands shall be subject to review annually by the Comptroller General of the United States, and report thereon shall be made by him to the Governor, the Secretary of the Interior, and to the Congress.

SEC. 18. (a) The Governor shall receive an annual salary at the rate provided for Governors of Territories and possessions in the Executive Pay Act of 1949.

(b) The Government Secretary, the heads of the executive departments, and the members of the immediate staffs of the Governor and the Government Secretary, shall receive annual salaries at rates established by the Secretary of the Interior in accordance with the standards provided in the Classification Act of 1949.

(c) The salaries of the Governor, the Government Secretary, and the members of their immediate staffs shall be paid by the United States. The salaries of the government comptroller and the heads of the executive departments shall be paid by the government of the Virgin Islands; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor.

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SEC. 19. The judicial power of the Virgin Islands shall be vested in a court of record to be designated the "District Court of the Virgin Islands", and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by local law.

SEC. 20. The District Court of the Virgin Islands shall have the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties and laws of the United States. It shall have general original jurisdiction in all causes arising under the local law in force in the Virgin Islands, exclusive jurisdiction over which is not conferred by this Act upon the inferior courts of the Virgin Islands. When it is in the interest of justice to do so the district court may on motion of any party transfer to the district court any action or proceeding brought in an inferior court and the district court shall have jurisdiction to hear and determine such action or proceeding. The district court shall also have appellate jurisdiction to review the judgments and orders of the inferior courts of the Virgin Islands to the extent now or hereafter prescribed by local law.

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SEC. 25. The judicial power of the Virgin Islands shall be vested in a court to be designated "the District Court of the Virgin Islands" and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by local law: *Provided*, That the legislative assembly may provide for the organization and conduct of a Superior Court of the Virgin Islands and may transfer from the district court to such Superior Court jurisdiction over any or all causes other than those arising under the laws of the United States. Appeals from the Superior Court shall be as provided by law in the case of appeals from the district court.

SEC. 28. The District court shall have jurisdiction of—

(1) All criminal cases under the laws of the United States applicable to the Virgin Islands;

(2) All cases in equity;

(3) All cases in admiralty;

(4) All cases of divorce and annulment of marriage;

(5) All cases at law involving principal sums exceeding \$200;

(6) All cases involving title to real estate;

(7) All appeals from judgments rendered in the inferior courts;

(8) All matters and proceedings not otherwise hereinbefore provided for which, on the date of enactment of this Act, were within the jurisdiction of the District Court of the Virgin Islands, or of the judge thereof, or which may hereafter be placed within the jurisdiction of the District Court of the Virgin Islands, or of the judge thereof, by local law.

The district court shall also have concurrent jurisdiction with the inferior courts as provided in section 32.

SEC. 29. The district court shall also have jurisdiction of offenses under the criminal laws of the United States when such offenses are committed on the high seas beyond the territorial limits of the Virgin Islands on vessels belonging in whole or in part to the United States, to any citizen thereof, or to any corporation created by or under the laws of the United States or of any State or Territory thereof, and the offenders are found in the Virgin Islands or are brought into the Virgin Islands after the commission of the offense.

SEC. 30. Appeals from the District Court of the Virgin Islands shall be as provided by law in force on the date of enactment of this Act: *Provided*, That

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SEC. 21. The inferior courts now or hereafter established by local law shall have exclusive original jurisdiction of all civil actions wherein the matter in controversy does not exceed the sum or value of \$500, exclusive of interest and costs, all criminal cases wherein the maximum punishment which may be imposed does not exceed a fine of \$100 or imprisonment for six months, or both, and all violations of police and executive regulations, and they shall have original jurisdiction, concurrently with the district court, of all actions, civil or criminal, jurisdiction of which may hereafter be conferred upon them by local law. Any action or proceeding brought in the district court which is within the jurisdiction of an inferior court may be transferred to such inferior court by the district court in the interest of justice. The inferior courts shall hold preliminary investigations in charges of felony and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction granted to the inferior courts by this section, and shall commit offenders to the district court and grant bail in bailable cases. The rules governing the practice and procedure of the inferior courts and prescribing the duties of the judges and officers thereof, oaths and bonds, the times and places of holding court, and the procedure for appeals to the district court shall be as may hereafter be established by the district court. The rules governing disposition of fines, costs, and forfeitures, enforcement of judgments, and disposition and treatment of prisoners shall be as established by law or ordinance in force on the date of approval of this Act or as may hereafter be so established.

SEC. 22. The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of the Virgin Islands, who shall

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no appeal shall be predicated upon the existence of a right of appeal under the law of Denmark.

SEC. 33. Appeals in civil and criminal cases from the judgments and rulings of the inferior courts shall be to the district court and shall be taken in accordance with the laws and ordinances of the respective municipalities: *Provided*, That the right of appeal in all cases, civil and criminal, shall be as established by law or ordinance in force on the date of enactment of this Act, or as may hereafter be established by law or ordinance by the municipal council having jurisdiction.

SEC. 32. The inferior courts shall have jurisdiction concurrent with the district court in all civil cases in which the principal sum claimed does not exceed \$200, and of all criminal cases wherein the punishment that may be imposed shall not exceed a fine of \$100 or imprisonment not exceeding six months, all violations of police regulations and executive regulations, and any cause or offense wherein jurisdiction hereafter shall have been conferred by local law. Such inferior courts shall hold preliminary investigations in charges of felony and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction granted to the inferior courts by this section, and shall commit offenders to the district court and grant bail in bailable cases. The rules governing said courts and prescribing the duties of inferior judges and inferior court officers, oaths, and bonds, the times and places of holding such courts, the disposition of fines, costs, forfeitures, enforcements of judgments, providing for appeals therefrom to the district court, and the disposition and treatment of prisoners shall be as established by law or ordinance in force on the date of enactment of this Act or as may hereafter be established by law or ordinance by the municipal council having jurisdiction.

SEC. 26. The President shall, by and with the advice and consent of the Senate, appoint a judge and a district attorney for the District Court of the

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hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The salary of the judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the District Court the Chief Judge of the Third Judicial Circuit of the United States may assign a circuit or district judge of the Third Circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The provisions of chapter 49 of title 28, United States Code, shall apply to the District Court of the Virgin Islands. The compensation of the judge of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States. The Attorney General shall, as heretofore, appoint a marshal and one assistant marshal for the Virgin Islands to whose office the provisions of chapter 33 of title 28, United States Code, shall apply.

SEC. 23. The Virgin Islands consist of two judicial divisions; the Division of Saint Croix, comprising the island of Saint Croix and adjacent islands and cays and the Division of Saint Thomas and Saint John, comprising the islands of Saint Thomas and Saint John and adjacent islands and cays. The district court shall hold sessions in each division at such time as the court may designate by rule or order, at least once in three months in each division. The practice and procedure in the district court shall be as prescribed by rules and orders of the court. The process of the district court shall run throughout the Virgin Islands.

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Virgin Islands who shall hold office for a term of four years and until their successors are chosen and qualified unless sooner removed by the President for cause. In case of the absence, disability, or disqualification of such judge, the President is authorized to appoint a special judge to discharge the duties of such judge only until the termination of such absence, disability, or disqualification; and the special judge so appointed shall be authorized and empowered to perform the duties of such office during such periods and shall receive compensation at the same rate, for the period of time actually served, and the same allowances for expenses and transportation, as are paid and allowed the judge of said court. In the case of a vacancy in the office of district attorney, the District Court of the Virgin Islands may appoint a district attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of court.

The Attorney General shall appoint and fix the compensation of all other officers necessary for the transaction of the business of the district court, and the compensation of the judge of the district court, and of the district attorney, and the administrative expenses of such court shall be paid from appropriations made for the Department of Justice. The duties of such officers shall be prescribed by law or ordinance and by order of the Attorney General not inconsistent therewith: *Provided*, That the Governor may call upon the district attorney to advise him upon any legal questions concerning the administration of the Government of the Virgin Islands.

SEC. 27. The District Court of the Virgin Islands shall consist of two divisions, one constituted by the municipality of Saint Croix and one constituted by the municipality of Saint Thomas and Saint John, as defined by local law in force on the date of enactment of this Act. The judge of the district court shall hold court in each division at such time as he may designate by order, at least once in two months in each division. The rules of practice and procedure in such district court shall be prescribed by law or ordinance or by rules and regulations of the district judge not inconsistent with law or ordinance. The process of the district court shall run throughout the Virgin Islands.

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SEC. 24. In any criminal case originating in the district court, no person shall be denied the right to trial by jury on the demand of either party. If no jury is demanded the case shall be tried by the judge of the district court without a jury, except that the judge may, on his own motion, order a jury for the trial of any criminal action. The legislature may provide for trial in misdemeanor cases by a jury of six qualified persons.

SEC. 25. The President shall, by and with the advice and consent of the Senate, appoint a United States attorney for the Virgin Islands, who shall hold office for the term of four years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The United States attorney, by himself or the assistant United States attorney, shall conduct all legal proceedings, civil and criminal, to which the Government of the United States or the government of the Virgin Islands is a party in the District Court of the Virgin Islands and in the inferior courts of the Virgin Islands. Offenses against the laws of the Virgin Islands shall be prosecuted in the name of the government of the Virgin Islands. The United States attorney shall perform his duties under the supervision and direction of the Attorney General of the United States. The Attorney General may appoint one assistant United States attorney. The Attorney General may authorize the employment of necessary clerical assistants. The compensation of the district attorney and his assistant and employees shall be fixed by the Attorney General and their salaries and the other necessary expenses of the office shall be paid from appropriations made to the Department of Justice. In the case of a vacancy in the office of the district attorney, the District Court of the Virgin Islands may appoint a district attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.

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SEC. 31. In any criminal case originating in said district court, no person shall be denied the right to trial by jury on the demand of either party: *Provided*, That if no jury is demanded the case shall be tried by the court without a jury: *Provided further*, That the judge of the district court may, on his own motion order a jury for the trial of any criminal action: *Provided further*, That the respective municipal councils of Saint Croix and of Saint Thomas and Saint John, may provide for trial in misdemeanor cases by a jury of six qualified persons.

(See section 26, *supra*.)

SEC. 37. All judicial process shall run in the name of "United States of America, scilicet, the President of the United States", and all penal or criminal prosecutions in the local courts shall be conducted in the name of and by authority of "the People of the Virgin Islands of the United States."

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SEC. 26. (a) The proceeds of customs duties, the proceeds of the United States income tax, the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and the proceeds of all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands, less the cost of collecting all of said duties, taxes, and fees, shall be covered into the treasury of the Virgin Islands, and shall be available for expenditure as the Legislature of the Virgin Islands may provide: *Provided*, That the term "inhabitants of the Virgin Islands" as used in this section shall include all citizens of the United States whose permanent residence is in the Virgin Islands, and such persons shall satisfy their income tax obligations under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands: *Provided further*, That nothing in this Act shall be construed to apply to any tax specified in section 3811 of the Internal Revenue Code.

(b) Subchapter B of chapter 28 of the Internal Revenue Code is amended by adding to section 3350 thereof the following subsection:

"(c) DISPOSITION OF INTERNAL REVENUE COLLECTIONS.—Beginning with the fiscal year ending June 30, 1954, and annually thereafter, the Secretary of the Treasury shall determine the amount of all taxes imposed by, and collected during the fiscal year under, the internal revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States. The amount so determined less 1 per centum and less the estimated amount of refunds or credits shall be subject to disposition as follows:

"(i) There shall be transferred and paid over to the government of the Virgin Islands from the amounts so determined a sum equal to the total amount of the revenue collected by the government of the Virgin Islands during the fiscal year, as certified by the Government Comptroller of the Virgin Islands. The moneys so transferred and paid over shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as the legislature may determine: *Provided*, That the approval of the President or his designated representative shall be obtained before such moneys may be obligated or expended.

SEC. 35. All taxes, duties, fees, and public revenues collected in the municipality of Saint Croix shall be covered into the treasury of the Virgin Islands and held in account for said municipality and all taxes, duties, fees, and public revenues collected in the municipality of Saint Thomas and Saint John shall be covered into said treasury of the Virgin Islands, and held in account for said municipality: *Provided*, That the proceeds of customs duties, less the cost of collection, and the proceeds of the United States income tax, and the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands shall be covered into the treasury of the Virgin Islands and held in account for the respective municipalities, and shall be expended for the benefit and government of said municipalities in accordance with the annual municipal budgets. The Municipal Council of Saint Croix may make appropriations for the purposes of said municipality from, and to be paid out of, the funds credited to its account in the treasury of the Virgin Islands; and the Municipal Council of Saint Thomas and Saint John may make appropriations for the purposes of said municipality from, and to be paid out of, the funds credited to its account in said treasury.

SEC. 36. Taxes and assessments on property and incomes, internal-revenue taxes, license fees, and service fees may be imposed and collected, and royalties for franchises, privileges, and concessions granted may be collected for the purposes of the Government of the Virgin Islands as may be provided and defined by the municipal councils herein established: *Provided*, That all money hereafter derived from any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury of the Virgin Islands and paid out for such purpose only, except when otherwise authorized by the legislative authority having jurisdiction after the purpose for which such fund was created has been accomplished. Until Congress shall otherwise provide, all laws concerning import duties and customs in the municipality of Saint Thomas and Saint John now in effect shall be in force and effect in and for the Virgin Islands: *Provided*, That the Secretary of the Treasury shall designate the several ports and sub-ports of entry in the Virgin Islands of the United States and

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"(ii) There shall also be transferred and paid over to the government of the Virgin Islands during each of the fiscal years ending June 30, 1955, and June 30, 1956, the sum of \$1,000,000, or the balance of the internal revenue collections available under this subsection (c) after payments are made under the preceding paragraph (i), whichever amount is greater. The moneys so transferred and paid over shall be deposited in the separate fund established by the preceding paragraph (i), but shall be obligated or expended for emergency purposes and essential public projects only, with the prior approval of the President or his designated representative.

"(iii) Any amounts remaining shall be deposited in the Treasury of the United States as miscellaneous receipts.

"If at the end of any fiscal year the total of the Federal contribution made under (i) above at the beginning of that fiscal year has not been obligated or expended for an approved purpose, the balance shall continue available for expenditure during any succeeding fiscal year, but only for approved emergency relief purposes and essential public projects as provided in (ii) above. The aggregate amount of moneys available for expenditure for emergency relief purposes and essential public projects only, including payments under (ii) above, shall not exceed the sum of \$5,000,000 at the end of any fiscal year. Any unobligated or unexpended balance of the Federal contribution remaining at the end of a fiscal year which would cause the moneys available for emergency relief purposes and essential public projects only to exceed the sum of \$5,000,000 shall thereupon be transferred and paid over to the Treasury of the United States as miscellaneous receipts."

shall make such rules and regulations and appoint such officers and employees as he may deem necessary for the administration of the customs laws in the Virgin Islands of the United States; and he shall fix the compensation of all such officers and employees and provide for the payment of such compensations and other expenses of the collection of duties, fees, and taxes imposed under the customs laws from the receipts thereof. The export duties in effect on the date of enactment of this Act may be from time to time reduced, repealed, or restored by ordinance of the municipal council having jurisdiction: *Provided further*, That no new export duties shall be levied in the Virgin Islands except by the Congress.

Section 526, Act of June 17, 1930 (46 Stat. 741; 19 U. S. C., Sec. 1526)

SEC. 526. MERCHANDISE BEARING AMERICAN TRADE-MARK.

(c) Notwithstanding any other provision of law, section 526 of the Tariff Act of 1930 (46 Stat. 741, 19 U. S. C., 1946 edition, sec. 1526) and section 42 of the Trade Mark Act of 1946 (60 Stat. 440, 15 U. S. C., 1946 edition, sec. 1124) shall not apply to the Virgin Islands.

(a) **IMPORTATION PROHIBITED.**—It shall be unlawful to import into the United States any merchandise of foreign manufacture if such merchandise, or the label, sign, print, package, wrapper, or receptacle, bears a trade-mark owned by a citizen of, or by a corporation or association created or organized within, the United States, and registered in the Patent Office by a person domiciled in the United States, under the provisions of the act entitled "An

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Act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February 20, 1905, as amended, and if a copy of the certificate of registration of such trade-mark is filed with the Secretary of the Treasury, in the manner provided in section 27 of such Act, unless written consent of the owner of such trade-mark is produced at the time of making entry.

(b) SEIZURE and FORFEITURE.—Any such merchandise imported into the United States in violation of the provisions of this section shall be subject to seizure and forfeiture for violation of the customs laws.

(c) INJUNCTION AND DAMAGES.—Any person dealing in any such merchandise may be enjoined from dealing therein within the United States or may be required to export or destroy such merchandise or to remove or obliterate such trade-mark and shall be liable for the same damages and profits provided for wrongful use of a trade-mark, under the provisions of such Act of February 20, 1905, as amended.

Section 42, Act of July 5, 1946 (60 Stat. 440; 15 U. S. C., sec. 1124)

SEC. 42. That no article of imported merchandise which shall copy or simulate the name of any domestic manufacture, or manufacturer, or trader, or of any manufacturer or trader located in any foreign country which, by treaty, convention, or law affords similar privileges to citizens of the United States, or which shall copy or simulate a trade-mark registered in accordance with the provisions of this Act or shall bear a name or mark calculated to induce the public to believe that the article is manufactured in the United States, or that it is manufactured in any foreign country or locality other than the country or locality in which it is in fact manufactured, shall be admitted to entry at any customhouse of the United States; and, in order to aid the officers of the customs in enforcing this prohibition, any domestic manufacturer or trader, and any foreign manufacturer or trader, who is entitled under the provisions of a treaty convention, declaration, or agreement between the United States and any foreign country to the advantages afforded by law to citizens of the United States in respect to trade-marks and commercial names, may re-

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(d) There shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the Virgin Islands the rates of duty and internal revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of, or manufactured in, such islands, from materials grown or produced in such islands or in the United States, or both, or which do not contain foreign materials to the value of more than 50 per centum of their total value, upon which no drawback of custom duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. In determining whether such a Virgin Islands article contains foreign material to the value of more than 50 per centum, no material shall be considered foreign which, at the time the Virgin Islands article is entered, or withdrawn from warehouse for consumption, may be imported into the continental United States free of duty generally.

quire his name and residence, and the name of the locality in which his goods are manufactured, and a copy of the certificate of registration of his trademark, issued in accordance with the provisions of this Act, to be recorded in books which shall be kept for this purpose in the Department of the Treasury, under such regulations as the Secretary of the Treasury, shall prescribe, and may furnish to the Department facsimiles of his name, the name of the locality in which his goods are manufactured, or of his registered trademark, and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of customs.

Section 3, Act of March 3, 1917 (39 Stat. 1132), as amended (48 U. S. C., sec. 1394)

That on and after the passage of this Act there shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the Virgin Islands the rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of, or manufactured in, such islands, from materials the growth or product of, such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per centum of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. In determining whether such a Virgin Islands article contains foreign material to the value of more than 20 per centum, no material shall be considered foreign which, at the time the Virgin Islands article is entered, or withdrawn from warehouse, for consumption, may be imported into the continental United States free of duty generally.

Act of June 22, 1936 (49 Stat. 1807) as Amended (48 U. S. C., Sec. 1405, et. seq.)

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SEC. 27. All officials of the government of the Virgin Islands shall be citizens of the United States. Every member of the Legislature of the Virgin Islands and all officers and employees of the government of the Virgin

SEC. 38. All officials of the Government of the Virgin Islands shall be citizens of the United States, and before entering upon the duties of their respective offices shall take an oath to support the Constitution and the laws

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Islands shall before entering upon the duties of their respective offices, or, in the case of persons in the employ of the government of the Virgin Islands on the effective date of this Act, then within sixty days of the effective date thereof, make a written statement in the following form:

"I, -----, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution and laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands, and that I will discharge the duties of ----- with fidelity.

"And I do further swear (or affirm) that I do not advocate, nor am I knowingly a member of any organization that advocates, the overthrow of the Government of the United States or of the Virgin Islands by force or violence or other unconstitutional means, or seeking by force or violence to deny other persons their rights under the Constitution and laws of the United States applicable to the Virgin Islands or the laws of the Virgin Islands.

"And I do further swear (or affirm) that I will not so advocate nor will I knowingly become a member of such organization during the period that I am an employee of the Virgin Islands."

of the United States applicable to the Virgin Islands and the laws of the Virgin Islands.

Section 1, Act of July 12, 1921 (42 Stat. 123; 48 U. S. C., sec. 1393)

That no person owing allegiance to any country other than the United States of America shall be eligible to hold office as a member of the colonial councils of the Virgin Islands of the United States nor to hold any public office under the government of said islands.

Act of June 22, 1936 (49 Stat. 1807), as amended (48 U. S. C., sec. 1405, et seq.)

SEC. 28. All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is hereby authorized to place all matters pertaining to the government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to the judicial branch of said government which on the date of approval of this Act are under the supervision of the Director of the Administrative Office of the United States Courts.

SEC. 29. (a) The Secretary of the Interior shall be authorized to lease or to sell upon such terms as he may deem advantageous to the Government of the United States any property of the United States under his administrative supervision in the Virgin Islands not needed for public purposes.

SEC. 39. All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is hereby authorized to place all matters pertaining to the Government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to the judicial branch of said Government which shall be as hereinbefore provided under the supervision of the Attorney General.

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(b) The government of the Virgin Islands shall continue to have control over all public property that is under its control on the date of approval of this Act.

SEC. 4. (a) All property which may have been acquired by the United States from Denmark in the Virgin Islands under the convention entered into August 4, 1916, not reserved by the United States for public purposes prior to June 22, 1937, is placed under the control of the government of the Virgin Islands.

Section 6, Act of Aug. 30, 1890 (26 Stat. 416) as amended (21 U. S. C., sec. 104)

SEC. 30. Section 6 of the Act of August 30, 1890 (26 Stat. 414, 416), as amended (21 U. S. C., 1946 edition, sec. 104) is further amended by inserting the words "and the admission into the Virgin Islands" immediately following the word "Texas", so that such section will read as follows:

"The importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is prohibited: *Provided*, That the Secretary of Agriculture, within his discretion and under such regulations as he may prescribe, is authorized to permit the admission from Mexico into the State of Texas and the admission into the Virgin Islands of cattle which have been infested with or exposed to ticks upon being freed therefrom. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding three years, and any vessel or vehicle used in such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States."

The importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is prohibited: *Provided*, That the Secretary of Agriculture, within his discretion and under such regulations as he may prescribe, is authorized to permit the admission from Mexico into the State of Texas of cattle which have been infested with or exposed to ticks upon being freed therefrom. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding three years, and any vessel or vehicle used in such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States.

SECTION 2, Act of Feb. 2, 1903 (32 Stat. 792), as amended (21 U. S. C., sec. 111)

SEC. 31. Section 2 of the Act of February 2, 1903 (32 Stat. 791, 792), as amended (21 U. S. C., 1946 edition, sec. 111), is hereby further amended by striking out the period and adding at the end thereof the following: "*Provided*, That no such regulations or measures shall pertain to the introduction of live poultry into the Virgin Islands of the United States."

The Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals and/or live poultry from a foreign country into the United States or from one State or Territory of the United States or the District of Columbia to another, and to seize, quarantine, and dispose of any meats,

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hides, or other animal products coming from an infected foreign country to the United States, or from one State or Territory or the District of Columbia in transit to another State or Territory or the District of Columbia whenever in his judgment such action is advisable in order to guard against the introduction or spread of such contagion.

Act of June 22, 1936 (49 Stat. 1807), as amended (48 U. S. C., sec. 1405, et seq.)

SEC. 32. This Act shall take effect upon its approval, but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the incumbents of all offices under the government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority. The enactment of this Act shall not affect the term of office of the judge of the district court of the Virgin Islands in office on the date of its enactment.

SEC. 33. There are hereby authorized to be appropriated annually by the Congress of the United States such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act.

SEC. 34. Except to the extent necessary to implement the provisions of section 35, the Act of June 22, 1936 (49 Stat. 1807), and any other provisions of law inconsistent with this Act are hereby repealed.

SEC. 40. This Act shall take effect upon its enactment, but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the present incumbents of all offices under the Government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority.

APPENDIX

There is set forth below extracts from The Fiscal History of the Virgin Islands for the fiscal year 1953 prepared under the direction of the Comptroller General of the United States at the request of the committee chairman, Senator Hugh Butler of Nebraska.

FOREWORD

Reports on the fiscal history of the Virgin Islands have been compiled to show the extent of expenditures incurred by the Federal Government for the purchase, civil government, and economic stabilization of these islands—since their acquisition by the United States in 1917—as compared with the amount of internal revenue taxes collected in the United States on distilled spirits and manufactured sugar imported from the Virgin Islands during the same period.

The data compiled in the reports show that the United States has contributed more than \$82,600,000 to the acquisition, government, and development of the economic stability of the Virgin Islands as compared with the Federal revenues collected in the United States on rum and sugar imported from the Virgin Islands in the amount of \$80,773,000.

Also, from the figures compiled it would appear that the Federal Treasury must continue to provide not less than \$6 million annually, classified as follows:

Central government.....	\$365, 000
Municipalities.....	745, 000
Agricultural experiment station.....	100, 000
Public works.....	1, 290, 000
Virgin Islands Corporation.....	2, 000, 000
Total.....	4, 500, 000
Grants-in-aid.....	750, 000
Judiciary and postal service.....	200, 000
Aeronautics.....	110, 000
Weather and Coast Guard.....	115, 000
Agriculture, etc.....	240, 000
Other.....	85, 000
Total.....	750, 000

Consolidated summary of appropriations, expenditures, and revenues pertaining to the Virgin Islands, fiscal years 1918-53

Acquisition of the Danish West Indian (Virgin) Islands.....	\$25, 000, 000. 00
Administration, etc.:	
Central government.....	6, 730, 338. 23
Grants to municipalities.....	6, 922, 248. 58
Relief and rehabilitation.....	15, 717, 222. 40
Agricultural experiment station.....	1, 187, 869. 07
Fish and wildlife conservation.....	84, 090. 89
Federal-aid airport program.....	30, 000. 00
Public works program.....	10, 203, 592. 00
Virgin Islands Corporation.....	8, 154, 777. 00
Total direct Federal funds.....	74, 030, 138. 17
Expenditures by other agencies for activities in the Virgin Islands.....	12, 955, 144. 04
Total expenditures.....	86, 985, 282. 21
Less: Revenues and repayments related to expenditure programs.....	4, 367, 457. 71
Net Federal funds.....	82, 617, 824. 50
U. S. Government internal revenue taxes on products of the Virgin Islands.....	80, 772, 802. 09
Municipal (local) revenues.....	22, 125, 867. 77

Statement of expenditures by other agencies of the Federal Government for various activities pertaining to the Virgin Islands of the United States, fiscal years 1918-53

	1948-52 supplemental	1953
Department of Agriculture:		
Soil Conservation Service.....		\$18,170.00
Production and Marketing Administration.....		189,233.00
School lunch program.....		49,290.00
Farmers Home Administration.....		31,461.00
Department of Commerce:		
Weather Bureau.....		13,970.19
Civil Aeronautics Administration.....		108,369.00
Department of Health, Education, and Welfare:		
St. Elizabeths Hospital, Washington, D. C.....		214,012.40
Public health.....		81,540.00
Maternal care, child health, etc.....		313,605.80
Vocational education.....		21,104.00
General Accounting Office:		
Central government, accounting survey.....		3,100.00
Virgin Islands Corporation audit (reimbursement).....		10,613.44
Department of the Interior: Office of the Secretary.....		400.00
Department of Justice:		
Immigration and Naturalization.....		51,188.73
United States attorneys and marshals.....		54,522.91
Housing and Home Finance Agency.....		18,680.00
U. S. Coast Guard.....		99,539.57
U. S. District Court of the Virgin Islands.....		63,376.18
U. S. Postal Service, 1948-52.....	\$425,000.00	90,000.00
Veterans' Administration.....		40,972.00
Total.....	425,000.00	1,473,148.22
		425,000.00
Expenditures by other United States agencies 1918-52 previously reported.....		11,056,995.82
Grand total.....		12,955,144.04

Summary of expenditures (appropriations) and revenues pertaining to the Virgin Islands, fiscal years 1918-52 and 1953

	Grand total		Adjustment and supplement- mental	1953
	1918-53	1918-52		
Acquisition of the Danish West Indian (Virgin) Islands.....	\$25,000,000.00	\$25,000,000.00		
Administration, etc.:				
Central government.....	6,730,338.23	6,417,088.23		\$313,250.00
Agricultural experiment stations.....	1,187,869.07	1,087,869.07		100,000.00
Grants to municipalities:				
St. Thomas and St. John.....	2,581,802.65	2,302,602.65		279,200.00
St. Croix.....	4,340,445.93	3,874,645.93		465,800.00
Conservation programs:				
Fish restoration and management.....	20,000.00	10,000.00		10,000.00
Wildlife restoration.....	64,090.89	54,090.89		10,000.00
Federal-aid airport program.....	30,000.00			30,000.00
Public works programs: Postwar construction.....	10,203,592.00	7,636,912.00		2,566,680.00
Relief and rehabilitation.....	12,941,678.40	12,941,678.40		
Virgin Islands Company operating loss.....	2,775,544.00	2,025,544.00	\$750,000.00	
Virgin Islands Corporation:				
Revolving fund.....	5,360,000.00	3,845,000.00		1,515,000.00
Grants (\$1,837,769).....		1,596,769.00		241,000.00
Less repaid to Treasury.....	1,087,769.00		-750,000.00	
Property acquired by transfer.....	1,707,008.00	1,707,008.00		
Expenditures by other Federal agencies pertaining to the Virgin Islands.....	12,955,144.04	11,056,995.82	425,000.00	1,473,148.22
Total.....	86,985,282.21	79,556,203.99	425,000.00	7,004,078.22
Less: Revenues and repayments related to above programs.....	4,367,457.71	4,195,313.71		172,144.00
Net Federal expenditures.....	82,617,824.50	75,360,890.28		6,831,934.22
United States internal revenue taxes on products from the Virgin Islands:				
Distilled spirits.....	79,667,904.00	75,058,696.00		{ 3,109,208.00 1,500,000.00
Processing tax on sugar.....	338,908.09	338,908.09		
Sugar excise tax of 1937.....	765,990.00	709,380.00		56,610.00
Total.....	80,772,802.09	76,106,984.09		4,665,818.00

DEPARTMENT OF THE INTERIOR,
OFFICE OF TERRITORIES,
Washington 25, D. C., April 15, 1954.

Mr. KIRKLEY S. COULTER,
Chief Clerk, Committee on Interior and Insular Affairs,
United States Senate, Washington 25, D. C.

DEAR KIRK: Replying to your request of April 12, 1954, for a breakdown of the appropriations, by years, of the Virgin Islands public works program, I submit the following:

Appropriations, Virgin Islands public works—Public Law 510, 78th Cong., approved Dec. 20, 1944 (58 Stat. 827)

Public Law	Congress	Approved	Fiscal year	Amount
49.....	79th.....	May 3, 1945	1946	\$150,000
269.....	79th.....	Dec. 28, 1945	1946	1,216,210
334.....	79th.....	Mar. 28, 1946	1947	993,795
269.....	80th.....	July 31, 1947	1948	1,707,687
491.....	80th.....	Apr. 20, 1948	1949	896,250
266.....	81st.....	Aug. 21, 1949	1950	680,000
759.....	81st.....	Sept. 6, 1950	1951	1,000,000
136.....	82d.....	Aug. 31, 1951	1952	992,970
470.....	82d.....	July 9, 1952	1953	¹ 2,567,000
172.....	83d.....	July 31, 1953	1954	1,100,000
Subtotal.....				11,303,912
Adjustment ¹				-320
Total.....				11,303,592

¹ Adjustment made in accordance with sec. 404, Public Law 470, 82d Cong. (Travel and Transportation of Things).

Sincerely yours,

WILLIAM C. STRAND, *Director.*

Calendar No. 1276

83^D CONGRESS
2^D SESSION

S. 3378

[Report No. 1271]

IN THE SENATE OF THE UNITED STATES

APRIL 29 (legislative day, APRIL 14), 1954

Mr. BUTLER of Nebraska, from the Committee on Interior and Insular Affairs, reported the following bill; which was read twice and ordered to be placed on the calendar

A BILL

To revise the Organic Act of the Virgin Islands of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Revised Organic Act of
4 the Virgin Islands".

5 SEC. 2. (a) The provisions of this Act, and the name
6 "Virgin Islands" as used in this Act, shall apply to and
7 include the territorial domain, islands, cays, and waters
8 acquired by the United States through cession of the Danish
9 West Indian Islands by the convention between the United
10 States of America and His Majesty the King of Denmark
11 entered into August 4, 1916, and ratified by the Senate on

1 September 7, 1916 (39 Stat. 1706). The Virgin Islands as
2 above described are hereby declared an unincorporated terri-
3 tory of the United States of America.

4 (b) The government of the Virgin Islands shall have
5 the powers set forth in this Act and shall have the right
6 to sue by such name and to be sued: *Provided*, That no tort
7 action shall be brought against the government of the Vir-
8 gin Islands or against any officer or employee thereof in his
9 official capacity without the consent of the legislature con-
10 stituted by this Act.

11 The capital and seat of government of the Virgin Islands
12 shall be located at the city of Charlotte Amalie, in the island
13 of Saint Thomas.

14 BILL OF RIGHTS

15 SEC. 3. No law shall be enacted in the Virgin Islands
16 which shall deprive any person of life, liberty, or property
17 without due process of law or deny to any person therein
18 equal protection of the laws.

19 In all criminal prosecutions the accused shall enjoy the
20 right to be represented by counsel for his defense, to be
21 informed of the nature and cause of the accusation, to have
22 a copy thereof, to have a speedy and public trial, to be con-
23 fronted with the witnesses against him, and to have com-
24 pulsory process for obtaining witnesses in his favor.

25 No person shall be held to answer for a criminal offense

1 without due process of law, and no person for the same
2 offense shall be twice put in jeopardy of punishment, nor
3 shall be compelled in any criminal cause to give evidence
4 against himself; nor shall any person sit as judge or magis-
5 trate in any case in which he has been engaged as attorney
6 or prosecutor.

7 All persons shall be bailable by sufficient sureties in the
8 case of criminal offenses, except for first-degree murder or
9 any capital offense when the proof is evident or the presump-
10 tion great.

11 Excessive bail shall not be required, nor excessive fines
12 imposed, nor cruel and unusual punishment inflicted.

13 No law impairing the obligation of contracts shall be
14 enacted.

15 No person shall be imprisoned or shall suffer forced
16 labor for debt.

17 All persons shall have the privilege of the writ of
18 habeas corpus and the same shall not be suspended except
19 as herein expressly provided.

20 No ex post facto law or bill of attainder shall be enacted.

21 Private property shall not be taken for public use except
22 upon payment of just compensation ascertained in the man-
23 ner provided by law.

24 The right to be secure against unreasonable searches and
25 seizures shall not be violated.

1 No warrant for arrest or search shall issue, but upon
2 probable cause, supported by oath or affirmation, and par-
3 ticularly describing the place to be searched and the persons
4 or things to be seized.

5 Slavery shall not exist in the Virgin Islands.

6 Involuntary servitude, except as a punishment for crime
7 whereof the party shall have been duly convicted by a court
8 of law, shall not exist in the Virgin Islands.

9 No law shall be passed abridging the freedom of speech
10 or of the press or the right of the people peaceably to
11 assembly and petition the government for the redress of
12 grievances.

13 No religious test shall ever be required as a qualifica-
14 tion to any office or public trust under the government of
15 the Virgin Islands.

16 No person who advocates, or who aids or belongs to any
17 party, organization, or association which advocates, the over-
18 throw by force or violence of the government of the Virgin
19 Islands or of the United States shall be qualified to hold
20 any office of trust or profit under the government of the
21 Virgin Islands.

22 No money shall be paid out of the Virgin Islands treas-
23 ury except in accordance with an Act of Congress or money
24 bill of the legislature.

1 The contracting of polygamous or plural marriages is
2 prohibited.

3 The employment of children under the age of sixteen
4 years in any occupation injurious to health or morals or
5 hazardous to life or limb is prohibited.

6 Nothing contained in this Act shall be construed to limit
7 the power of the legislature herein provided to enact laws for
8 the protection of life, the public health, or the public safety.

FRANCHISE

SEC. 4. The franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, twenty-one years of age or over. Additional qualifications may be prescribed by the legislature: *Provided, however,* That no property or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

LEGISLATIVE BRANCH

19 SEC. 5 (a) The legislative power and authority of the
20 Virgin Islands shall be vested in a legislature, consisting of
21 one house, to be designated the “Legislature of the Virgin
22 Islands”, herein referred to as the legislature.

(b) The legislature shall be composed of eleven members to be known as representatives. The Virgin Islands

1 shall be divided into three legislative districts, as follows:
2 the District of Saint Thomas, comprising Saint Thomas,
3 Hassel, Water, Savana, Inner Brass, Outer Brass, Hans
4 Lollik, Little Hans Lollik, Great Saint James, Little Saint
5 James, and Capella Islands, Thatch Cay and adjacent islets
6 and cays; the District of Saint Croix, comprising Saint Croix
7 and Buck Islands and adjacent islets and cays; and the
8 District of Saint John, comprising Saint John and Flanagan
9 Islands, Grass, Mingo, Lovango, and Congo cays and ad-
10 jacent islets and cays. Two representatives shall be elected
11 by the qualified electors of the District of Saint Thomas;
12 two representatives shall be elected by the qualified electors
13 of the District of Saint Croix; and one representative shall
14 be elected by the qualified electors of the District of Saint
15 John. The other six representatives shall be representatives
16 at large and shall be elected by the qualified electors of the
17 Virgin Islands from the Virgin Islands as a whole: *Provided*,
18 That in the election of representatives at large, each elector
19 shall be entitled to vote for two candidates, and the candi-
20 dates receiving the largest number of votes shall be declared
21 elected up to the number to be elected at that election. The
22 order of names upon the ballot for each office shall be de-
23 termined alphabetically for the first five hundred ballots

1 printed, and thereafter the names shall be alternated on each
2 succeeding group of five hundred ballots.

3 SEC. 6. (a) The term of office of each member of the
4 legislature shall be two years. The term of office of each
5 member shall commence on the second Monday in January
6 following his election.

7 (b) No person shall be eligible to be a member of the
8 legislature who is not a citizen of the United States, who has
9 not attained the age of twenty-five years, who is not a quali-
10 fied voter in the Virgin Islands, who has not been a bona fide
11 resident of the Virgin Islands for at least three years next
12 preceding the date of his election, or who has been convicted
13 of a felony or of a crime involving moral turpitude and has
14 not received a pardon restoring his civil rights. Federal
15 employees and persons employed in the legislative, execu-
16 tive or judicial branches of the government of the Virgin
17 Islands shall not be eligible for membership in the
18 legislature.

19 (c) All officers and employees charged with the duty
20 of directing the administration of the electoral system of the
21 Virgin Islands and its representative districts shall be ap-
22 pointed in such manner as the legislature may by law
23 direct.

1 (d) No member of the legislature shall be held to an-
2 swer before any tribunal other than the legislature for any
3 speech or debate in the legislature and the members shall in
4 all cases, except treason, felony, or breach of the peace,
5 be privileged from arrest during their attendance at the
6 sessions of the legislature and in going to and returning
7 from the same.

8 (e) Each member of the legislature shall be paid the
9 sum of \$600 annually, one-third on the second Monday in
10 January, one-third on the second Monday in February, and
11 one-third at the close of the regular session. Each member
12 of the legislature who is away from the island of his resi-
13 dence shall also receive the sum of \$10 per day for each
14 day's attendance while the legislature is actually in session,
15 in lieu of his expenses for subsistence, and shall be reim-
16 bursed for his actual travel expenses in going to and return-
17 ing from each session, or period thereof, for not to exceed
18 a total of eight round trips during any calendar year. The
19 salaries, per diem, and travel allowances of the members of
20 the legislature shall be paid by the government of the
21 United States.

22 (f) No member of the legislature shall hold or be ap-
23 pointed to any office which has been created by the legisla-
24 ture, or the salary or emoluments of which have been in-

1 creased, while he was a member, during the term for which
2 he was elected, or during one year after the expiration of
3 such term.

4 (g) The legislature shall be the sole judge of the elec-
5 tions and qualifications of its members, shall have and exer-
6 cise all the authority and attributes inherent in legislative
7 assemblies, and shall have the power to institute and con-
8 duct investigations, issue subpoena to witnesses and other
9 parties concerned, and administer oaths. The rules of the
10 Legislative Assembly of the Virgin Islands existing on the
11 date of approval of this Act shall continue in force and effect
12 for sessions of the legislature, except as inconsistent with this
13 Act, until altered, amended, or repealed by the legislature.

14 (h) The Governor of the Virgin Islands shall fill any
15 vacancy in the office of member of the legislature by ap-
16 pointment. If the vacant office is that of a representative
17 from a district, the person appointed shall be a resident of the
18 district from which the member whose office is vacant was
19 elected. If the vacant office is that of a representative at
20 large the person appointed may be a resident of any part
21 of the Virgin Islands. In any case, the person appointed
22 shall serve for the remainder of the unexpired term.

23 SEC. 7. (a) Regular sessions of the legislature shall be

1 held annually, commencing on the second Monday in
2 January, and shall continue for not more than sixty con-
3 secutive calendar days. The Governor may call special ses-
4 sions of the legislature at any time when in his opinion the
5 public interests may require it, but no special session shall
6 continue longer than fifteen calendar days, and the aggre-
7 gate of such special sessions during any calendar year shall
8 not exceed thirty calendar days. No legislation shall be con-
9 sidered at any special session other than that specified in
10 the call therefor or in any special message by the Governor
11 to the legislature while in such session.

12 (b) Sessions of the legislature shall be held in the
13 capital of the Virgin Islands at Charlotte Amalie, Saint
14 Thomas.

15 SEC. 8. (a) The legislative authority and power of the
16 Virgin Islands shall extend to all subjects of local application
17 not inconsistent with this Act or the laws of the United
18 States made applicable to the Virgin Islands, but no law
19 shall be enacted which would impair rights existing or arising
20 by virtue of any treaty or international agreement entered
21 into by the United States, nor shall the lands or other prop-
22 erty of nonresidents be taxed at a higher rate than the lands
23 or other property of residents. No public indebtedness of
24 the Virgin Islands shall be authorized or allowed in excess
25 of 10 per centum of the aggregate tax valuation of the prop-

erty in the Virgin Islands. Bonds or other obligations of the government of the Virgin Islands payable solely from revenues derived from any public improvement or undertaking shall not be considered public indebtedness of the Virgin Islands within the meaning of this section. All bonds issued by the government of the Virgin Islands or by its authority shall be exempt, as to principal and interest, from taxation by the Government of the United States or by the government of the Virgin Islands, or by any State or Territory or any political subdivision thereof, or by the District of Columbia.

(b) The laws of the United States applicable to the Virgin Islands on the date of approval of this Act, including laws made applicable to the Virgin Islands by or pursuant to the provisions of the Act of June 22, 1936 (49 Stat. 1807), and all local laws and ordinances in force in the Virgin Islands on the date of approval of this Act shall, to the extent they are not inconsistent with this Act, continue in force and effect until otherwise provided by the Congress: *Provided*, That the legislature shall have power, when within its jurisdiction and not inconsistent with the other provisions of this Act, to amend, alter, modify, or repeal any local law or ordinance, public or private, civil or criminal, continued in force and effect by this Act, except as herein otherwise provided, and to enact new laws not inconsistent with any

1 law of the United States applicable to the Virgin Islands,
2 subject to the power of Congress to annul any such Act of the
3 legislature.

4 (c) The President of the United States shall appoint a
5 commission of seven persons, at least three of whom shall
6 be residents of the Virgin Islands, to survey the field of
7 Federal statutes and to make recommendations to the Con-
8 gress within twelve months after the date of approval of
9 this Act as to which statutes of the United States not ap-
10 plicable to the Virgin Islands on such date should be made
11 applicable to the Virgin Islands, and as to which statutes
12 of the United States applicable to the Virgin Islands on such
13 date should be declared inapplicable. The members of the
14 commission shall receive no salary for their service on the
15 commission, but under regulations and in amounts prescribed
16 by the Secretary of the Interior, they may be paid, out of
17 Federal funds, reasonable per diem fees, and allowances in
18 lieu of subsistence expenses, for attendance at meetings of
19 the commission, and for time spent on official business of the
20 commission, and their necessary travel expenses to and
21 from meetings or when upon such official business, without
22 regard to the Travel Expense Act of 1949.

23 (d) The Secretary of the Interior shall arrange for the
24 preparation, at Federal expense, of a code of laws of the

1 Virgin Islands, to be entitled the "Virgin Islands Code",
2 which shall be a consolidation, codification and revision of
3 the local laws and ordinances in force in the Virgin Islands.
4 When prepared, the Governor shall submit it, together with
5 his recommendations, to the legislature for enactment. Upon
6 the enactment of the Virgin Islands Code it and any sup-
7 plements to it shall be printed, at Federal expense, by the
8 Government Printing Office as a public document.

9 SEC. 9. (a) The quorum of the legislature shall consist
10 of seven of its members. No bill shall become a law unless
11 it shall have been passed at a meeting, at which a quorum
12 was present, by the affirmative vote of a majority of the
13 members present and voting, which vote shall be by yeas
14 and nays.

15 (b) The enacting clause of all acts shall be as follows:
16 "Be it enacted by the Legislature of the Virgin Islands".

17 (c) The Governor shall submit at the opening of each
18 regular session of the legislature a message on the state of the
19 Virgin Islands and a budget of estimated receipts and expen-
20 ditures, which shall be the basis of the appropriation bills
21 for the ensuing fiscal year, which shall commence on the
22 first day of July.

23 (d) Every bill passed by the legislature shall, before it
24 becomes a law, be presented to the Governor. If the Gov-

ernor approves the bill, he shall sign it. If the Governor disapproves the bill, he shall, except as hereinafter provided, return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him. If the Governor does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature agree to pass the bill, it shall be presented anew to the Governor. If he then approves it, he shall sign it; if not, he shall within ten days after it has been presented to him transmit it to the President of the United States. If the President approves the bill, he shall sign it. If he disapproves the bill, he shall return it to the Governor, so stating, and it shall not be a law. If the President neither approves nor disapproves the bill within ninety days from the date on which it is transmitted to him by the Governor, the bill shall be a law in like manner as if the President had signed it. If any bill presented to the Governor contains several items of

1 appropriation of money, he may object to one or more of
2 such items, or any part or parts, portion or portions there-
3 of, while approving the other items, parts, or portions of
4 the bill. In such a case he shall append to the bill, at the
5 time of signing it, a statement of the items, or parts or
6 portions thereof, to which he objects, and the items, or parts
7 or portions thereof, so objected to shall not take effect.

8 (e) If at the termination of any fiscal year the legis-
9 lature shall have failed to pass appropriation bills providing
10 for payment of the obligations and necessary current ex-
11 penses of the Government of the Virgin Islands for the
12 ensuing fiscal year, then the several sums appropriated in
13 the last appropriation bills for the objects and purposes
14 therein specified, so far as the same may be applicable, shall
15 be deemed to be reappropriated item by item.

16 (f) The legislature shall keep a journal of its proceed-
17 ings and publish the same. Every bill passed by the legis-
18 lature and the yeas and nays on any question shall be
19 entered on the journal.

20 (g) Copies of all laws enacted by the legislature shall
21 be transmitted within fifteen days of their enactment by the
22 Governor to the Secretary of the Interior and by him an-
23 nually to the Congress of the United States.

24 SEC. 10. The next general election in the Virgin Islands
25 shall be held on November 2, 1954. At such time there

1 shall be chosen the entire membership of the legislature as
2 herein provided. Thereafter the general elections shall be
3 held on the first Tuesday after the first Monday in Novem-
4 ber, beginning with the year 1956, and every two years
5 thereafter. The Municipal Council of Saint Thomas and
6 Saint John, and the Municipal Council of Saint Croix,
7 existing on the date of approval of this Act, shall continue
8 to function until January 10, 1955, at which time all of the
9 functions, property, personnel, records, and unexpended
10 balances of appropriations and funds of the governments of
11 the municipality of Saint Thomas and Saint John and the
12 municipality of Saint Croix shall be transferred to the gov-
13 ernment of the Virgin Islands and the said municipalities
14 shall cease to exist.

15 EXECUTIVE BRANCH

16 SEC. 11. The executive power of the Virgin Islands shall
17 be vested in an executive officer whose official title shall be
18 the "Governor of the Virgin Islands", and shall be exercised
19 under the supervision of the Secretary of the Interior. The
20 Governor of the Virgin Islands shall be appointed by the
21 President, by and with the advice and consent of the Senate,
22 and shall hold office at the pleasure of the President and until
23 his successor is chosen and qualified. The Governor shall
24 reside in Saint Thomas during his official incumbency, and

1 may reside in the Government House on Saint Thomas free
2 of rent. He shall have general supervision and control of all
3 the departments, bureaus, agencies, and other instrumentalities
4 of the executive branch of the government of the Virgin
5 Islands. He may grant pardons and reprieves and remit fines
6 and forfeitures for offenses against the local laws, and may
7 grant respites for all offenses against the laws of the United
8 States applicable in the Virgin Islands until the decision of the
9 President can be ascertained. He may veto any legislation
10 as provided in this Act. He shall appoint all officers and
11 employees of the executive branch of the Government of the
12 Virgin Islands, except as otherwise provided in this or any
13 other Act of Congress, and shall commission all officers that
14 he may be authorized to appoint. He shall be responsible
15 for the faithful execution of the laws of the Virgin Islands and
16 the laws of the United States applicable in the Virgin
17 Islands. Whenever it becomes necessary he may call upon
18 the commanders of the military and naval forces of the
19 United States in the islands, or summon the posse comitatus,
20 or call out the militia, to prevent or suppress violence, invasion,
21 insurrection, or rebellion; and he may, in case of rebellion
22 or invasion, or imminent danger thereof, when the public
23 safety requires it, suspend the privilege of the writ of habeas

1 corpus, or place the islands, or any part thereof, under
2 martial law, until communication can be had with the Presi-
3 dent and the President's decision thereon made known. He
4 shall annually, and at such other times as the President or
5 the Congress may require, make official report of the transac-
6 tions of the government of the Virgin Islands to the Secretary
7 of the Interior, and his said annual report shall be transmitted
8 to the Congress. He shall perform such additional duties
9 and functions as may, in pursuance of law, be delegated to
10 him by the President, or by the Secretary of the Interior.
11 He shall have the power to issue executive regulations not
12 in conflict with any applicable law. He may attend or may
13 designate another person to represent him at the meetings of
14 the legislature, may give expressions to his views on any
15 matter before that body, and may recommend bills to the
16 legislature.

17 SEC. 12. The President shall appoint a Government Sec-
18 retary for the Virgin Islands, who shall reside in Saint Croix
19 during his official incumbency, and may reside in the Govern-
20 ment House on Saint Croix free of rent. He shall have cus-
21 tody of the seal of the Virgin Islands and shall countersign
22 and affix such seal to all executive proclamations and all other
23 executive documents. He shall record and preserve the laws
24 enacted by the legislature. He shall promulgate all procla-
25 mations and orders of the Governor and all laws enacted by

1 the legislature. He shall have such executive powers and
2 perform such other duties as may be assigned to him by the
3 Governor. He shall also serve as the Administrator for
4 Saint Croix, without additional compensation, and in that
5 capacity shall act for the Governor in the administration of
6 the affairs of Saint Croix.

7 SEC. 13. The Secretary of the Interior may from time to
8 time designate the Government Secretary or the head of an
9 executive department of the government of the Virgin
10 Islands to act as Governor in the case of a vacancy in the
11 offices, or the disability or temporary absence, of the Gov-
12 ernor, and the person so designated shall have all the powers
13 of the Governor for so long as such condition continues.

14 SEC. 14. (a) The Governor shall, within one year after
15 the date of approval of this Act, reorganize and consolidate
16 the existing executive departments, bureaus, independent
17 boards, agencies, authorities, commissions, and other instru-
18 mentalities of the government of the Virgin Islands or of
19 the municipal governments into not more than nine executive
20 departments, except for independent bodies whose existence
21 may be required by Federal law for participation in Federal
22 programs. The head of each executive department shall be
23 designated as the Commissioner thereof, and the Commis-
24 sioner of Finance shall be bonded. No other department,
25 bureau, independent board, agency, authority, commission,

1 or other instrumentality shall be created, organized, or estab-
2 lished by the Governor or the legislature, without the prior
3 approval of the Secretary of the Interior, unless required
4 by Federal law for participation in Federal programs.

5 (b) The Governor shall, from time to time, examine the
6 organization of the executive branch of the government of
7 the Virgin Islands, and shall make such changes therein,
8 not inconsistent with this Act, as he determines are necessary
9 to promote effective management and to execute faithfully
10 the purposes of this Act and the laws of the Virgin Islands.

11 (c) The heads of the executive departments created by
12 this Act shall be appointed by the Governor, with the advice
13 and consent of the legislature. Each shall hold office during
14 the continuance in office of the Governor by whom he is
15 appointed and until his successor is appointed and qualified,
16 unless sooner removed by the Governor. Each shall have
17 such powers and duties as may be prescribed by the legis-
18 lature.

19 SEC. 15. (a) The Secretary of the Interior shall appoint
20 a government comptroller who shall receive a salary of
21 \$12,500 per annum. The government comptroller shall hold
22 office for a term of ten years and until his successor is ap-
23 pointed and qualified unless sooner removed by the Secretary
24 of the Interior for cause. The government comptroller shall
25 not be eligible for reappointment.

1 (b) The government comptroller shall audit and settle
2 all accounts and claims pertaining to the revenues and re-
3 ceipts from whatever source of the government of the Vir-
4 gin Islands and of funds derived from bond issues; and he
5 shall audit and settle, in accordance with law and adminis-
6 trative regulations, all expenditures of funds and property
7 pertaining to the government of the Virgin Islands including
8 those pertaining to trust funds held by the government of the
9 Virgin Islands.

10 (c) It shall be the duty of the government comptroller
11 to bring to the attention of the proper administrative officer
12 failures to collect amounts due the government, and expen-
13 ditures of funds or property which in his opinion are extrava-
14 gant, excessive, unnecessary, or irregular.

15 (d) It shall be the duty of the government comptroller
16 to certify to the Secretary of the Interior the net amount of
17 government revenues which form the basis for Federal grants
18 for the civil government of the Virgin Islands.

19 (e) The decisions of the government comptroller shall
20 be final except that appeal therefrom may be taken by the
21 party aggrieved or the head of the department concerned
22 within one year from the date of the decision, to the Gover-
23 nor, which appeal shall be in writing and shall specifically
24 set forth the particular action of the government comptroller

1 to which exception is taken with the reasons and the author-
2 ities relied upon for reversing such decision.

3 (f) If the Governor confirms the decision of the gov-
4 ernment comptroller, then relief may be sought by appeal
5 to the legislature or suit in the District Court of the Virgin
6 Islands if the claim is otherwise within its jurisdiction.

7 (g) The government comptroller is authorized to com-
8 municate directly with any person having claims before him
9 for settlement, or with any department officer or person
10 having official relation with his office. He may summon
11 witnesses and administer oaths.

12 (h) As soon after the close of each fiscal year as the
13 accounts of said fiscal year may be examined and adjusted,
14 the government comptroller shall submit to the Governor of
15 the Virgin Islands an annual report of the fiscal condition
16 of the government, showing the receipts and disbursements
17 of the various departments and agencies of the government,
18 classified according to municipalities.

19 (i) The government comptroller shall make such other
20 reports as may be required by the Governor of the Virgin
21 Islands, the Comptroller General of the United States, or
22 the Secretary of the Interior.

23 (j) The office of the government comptroller shall be
24 under the general supervision of the Secretary of the Interior,

1 but shall not be a part of any executive department in the
2 government of the Virgin Islands.

3 SYSTEM OF ACCOUNTS

4 SEC. 16. The Governor shall establish and maintain
5 systems of accounting and internal control designed to
6 provide—

7 (a) full disclosure of the financial results of the
8 government's activities;

9 (b) adequate financial information needed for the
10 government's management purposes;

11 (c) effective control over and accountability for all
12 funds, property, and other assets for which the govern-
13 ment is responsible, including appropriate internal audit;
14 and

15 (d) reliable accounting results to serve as the basis
16 for preparation and support of the government's request
17 for the approval of the President or his designated repre-
18 sentative for the obligation and expenditure of the in-
19 ternal revenue collections as provided in section 26, the
20 Governor's budget requests to the legislature, and for
21 controlling the execution of the said budget.

22 SEC. 17. The office and activities of the Government
23 Comptroller of the Virgin Islands shall be subject to review
24 annually by the Comptroller General of the United States,

1 and report thereon shall be made by him to the Governor,
2 the Secretary of the Interior, and to the Congress.

3 SEC. 18. (a) The Governor shall receive an annual
4 salary at the rate provided for Governors of Territories and
5 possessions in the Executive Pay Act of 1949.

6 (b) The Government Secretary, the heads of the ex-
7 ecutive departments, and the members of the immediate
8 staffs of the Governor and the Government Secretary, shall
9 receive annual salaries at rates established by the Secretary
10 of the Interior in accordance with the standards provided in
11 the Classification Act of 1949.

12 (c) The salaries of the Governor, the Government Sec-
13 retary, and the members of their immediate staffs shall be
14 paid by the United States. The salaries of the government
15 comptroller and the heads of the executive departments
16 shall be paid by the government of the Virgin Islands; and
17 if the legislature shall fail to make an appropriation for
18 such salaries, the salaries theretofore fixed shall be paid
19 without the necessity of further appropriations therefor.

20 JUDICIAL BRANCH

21 SEC. 19. The judicial power of the Virgin Islands shall
22 be vested in a court of record to be designated the "District
23 Court of the Virgin Islands", and in such court or courts of
24 inferior jurisdiction as may have been or may hereafter be
25 established by local law.

1 SEC. 20. The District Court of the Virgin Islands shall
2 have the jurisdiction of a district court of the United States
3 in all causes arising under the Constitution, treaties and laws
4 of the United States. It shall have general original juris-
5 diction in all causes arising under the local law in force in
6 the Virgin Islands, exclusive jurisdiction over which is not
7 conferred by this Act upon the inferior courts of the Virgin
8 Islands. When it is in the interest of justice to do so the
9 district court may on motion of any party transfer to the
10 district court any action or proceeding brought in an inferior
11 court and the district court shall have jurisdiction to hear and
12 determine such action or proceeding. The district court shall
13 also have appellate jurisdiction to review the judgments and
14 orders of the inferior courts of the Virgin Islands to the
15 extent now or hereafter prescribed by local law.

16 SEC. 21. The inferior courts now or hereafter estab-
17 lished by local law shall have exclusive original jurisdiction
18 of all civil actions wherein the matter in controversy does
19 not exceed the sum or value of \$500, exclusive of interest
20 and costs, all criminal cases wherein the maximum pun-
21 ishment which may be imposed does not exceed a fine of
22 \$100 or imprisonment for six months, or both, and all vio-
23 lations of police and executive regulations, and they shall
24 have original jurisdiction, concurrently with the district
25 court, of all actions, civil or criminal, jurisdiction of which

1 may hereafter be conferred upon them by local law. Any
2 action or proceeding brought in the district court which is
3 within the jurisdiction of an inferior court may be transferred
4 to such inferior court by the district court in the interest of
5 justice. The inferior courts shall hold preliminary investiga-
6 tions in charges of felony and charges of misdemeanor in
7 which the punishment that may be imposed is beyond the
8 jurisdiction granted to the inferior courts by this section, and
9 shall commit offenders to the district court and grant bail
10 in bailable cases. The rules governing the practice and pro-
11 cedure of the inferior courts and prescribing the duties of
12 the judges and officers thereof, oaths and bonds, the times
13 and places of holding court, and the procedure for appeals to
14 the district court shall be as may hereafter be established
15 by the district court. The rules governing disposition of
16 fines, costs and forfeitures, enforcement of judgments, and
17 disposition and treatment of prisoners shall be as established
18 by law or ordinance in force on the date of approval of this
19 Act or as may hereafter be so established.

20 SEC. 22. The President shall, by and with the advice
21 and consent of the Senate, appoint a judge for the District
22 Court of the Virgin Islands, who shall hold office for the term
23 of eight years and until his successor is chosen and qualified,
24 unless sooner removed by the President for cause. The
25 salary of the judge of the district court shall be at the rate

1 prescribed for judges of the United States district courts.
2 Whenever it is made to appear that such an assignment is
3 necessary for the proper dispatch of the business of the
4 District Court the Chief Judge of the Third Judicial Circuit
5 of the United States may assign a circuit or district judge of
6 the Third Circuit, or the Chief Justice of the United States
7 may assign any other United States circuit or district judge
8 with the consent of the judge so assigned and of the chief
9 judge of his circuit, to serve temporarily as a judge of the
10 District Court of the Virgin Islands. The provisions of
11 chapter 49 of title 28, United States Code, shall apply to the
12 District Court of the Virgin Islands. The compensation of
13 the judge of the district court and the administrative expenses
14 of the court shall be paid from appropriations made for the
15 judiciary of the United States. The Attorney General shall,
16 as heretofore, appoint a marshal and one assistant marshal
17 for the Virgin Islands to whose office the provisions of
18 chapter 33 of title 28, United States Code, shall apply.

19 SEC. 23. The Virgin Islands consist of two judicial divi-
20 sions; the Division of Saint Croix, comprising the island of
21 Saint Croix and adjacent islands and cays and the Division
22 of Saint Thomas and Saint John, comprising the islands of
23 Saint Thomas and Saint John and adjacent islands and cays.
24 The district court shall hold sessions in each division
25 at such time as the court may designate by rule or order,

1 at least once in three months in each division. The prac-
2 tice and procedure in the district court shall be as prescribed
3 by rules and orders of the court. The process of the district
4 court shall run throughout the Virgin Islands.

5 SEC. 24. In any criminal case originating in the dis-
6 trict court, no person shall be denied the right to trial by
7 jury on the demand of either party. If no jury is demanded
8 the case shall be tried by the judge of the district court
9 without a jury, except that the judge may, on his own
10 motion, order a jury for the trial of any criminal action.
11 The legislature may provide for trial in misdemeanor cases
12 by a jury of six qualified persons.

13 SEC. 25. The President shall, by and with the advice
14 and consent of the Senate, appoint a United States attorney
15 for the Virgin Islands, who shall hold office for the term of
16 four years and until his successor is chosen and qualified, un-
17 less sooner removed by the President for cause. The United
18 States attorney, by himself or the assistant United States
19 attorney, shall conduct all legal proceedings, civil and crim-
20 inal, to which the Government of the United States or the
21 government of the Virgin Islands is a party in the District
22 Court of the Virgin Islands and in the inferior courts of the
23 Virgin Islands. Offenses against the laws of the Virgin
24 Islands shall be prosecuted in the name of the government
25 of the Virgin Islands. The United States attorney shall

1 perform his duties under the supervision and direction of
2 the Attorney General of the United States. The Attorney
3 General may appoint one assistant United States attor-
4 ney. The Attorney General may authorize the employ-
5 ment of necessary clerical assistants. The compensation
6 of the district attorney and his assistant and employees
7 shall be fixed by the Attorney General and their salaries and
8 the other necessary expenses of the office shall be paid from
9 appropriations made to the Department of Justice. In the
10 case of a vacancy in the office of the district attorney, the
11 District Court of the Virgin Islands may appoint a district
12 attorney to serve until the vacancy is filled. The order of
13 appointment by the court shall be filed with the clerk of the
14 court.

15 FISCAL PROVISIONS

16 SEC. 26. (a) The proceeds of customs duties, the pro-
17 ceeds of the United States income tax, the proceeds of any
18 taxes levied by the Congress on the inhabitants of the Virgin
19 Islands, and the proceeds of all quarantine, passport, immi-
20 gration, and naturalization fees collected in the Virgin
21 Islands, less the cost of collecting all of said duties, taxes, and
22 fees, shall be covered into the treasury of the Virgin Islands,
23 and shall be available for expenditure as the Legislature of
24 the Virgin Islands may provide: *Provided*, That the term
25 “inhabitants of the Virgin Islands” as used in this section

1 shall include all citizens of the United States whose perma-
2 nent residence is in the Virgin Islands, and such persons shall
3 satisfy their income tax obligations under applicable taxing
4 statutes of the United States by paying their tax on income
5 derived from all sources both within and outside the Virgin
6 Islands into the treasury of the Virgin Islands: *Provided*
7 *further*, That nothing in this Act shall be construed to apply
8 to any tax specified in section 3811 of the Internal Revenue
9 Code.

10 (b) Subchapter B of chapter 28 of the Internal Revenue
11 Code is amended by adding to section 3350 thereof the
12 following subsection:

13 “(c) DISPOSITION OF INTERNAL REVENUE COLLEC-
14 TIONS.—Beginning with the fiscal year ending June 30,
15 1954, and annually thereafter, the Secretary of the Treasury
16 shall determine the amount of all taxes imposed by, and
17 collected during the fiscal year under, the internal revenue
18 laws of the United States on articles produced in the Virgin
19 Islands and transported to the United States. The amount
20 so determined less 1 per centum and less the estimated
21 amount of refunds or credits shall be subject to disposition
22 as follows:

23 “(i) There shall be transferred and paid over to the
24 government of the Virgin Islands from the amounts so de-
25 termined a sum equal to the total amount of the revenue col-

1 lected by the government of the Virgin Islands during the
2 fiscal year, as certified by the Government Comptroller of the
3 Virgin Islands. The moneys so transferred and paid over
4 shall constitute a separate fund in the treasury of the Virgin
5 Islands and may be expended as the legislature may deter-
6 mine: *Provided*, That the approval of the President or his
7 designated representative shall be obtained before such
8 moneys may be obligated or expended.

9 “(ii) There shall also be transferred and paid over to
10 the government of the Virgin Islands during each of the
11 fiscal years ending June 30, 1955, and June 30, 1956, the
12 sum of \$1,000,000, or the balance of the internal revenue
13 collections available under this subsection (c) after payments
14 are made under the preceding paragraph (i), whichever
15 amount is greater. The moneys so transferred and paid over
16 shall be deposited in the separate fund established by the
17 preceding paragraph (i), but shall be obligated or expended
18 for emergency purposes and essential public projects only,
19 with the prior approval of the President or his designated
20 representative.

21 “(iii) Any amounts remaining shall be deposited in the
22 Treasury of the United States as miscellaneous receipts.

23 “If at the end of any fiscal year the total of the Federal
24 contribution made under (i) above at the beginning of that
25 fiscal year has not been obligated or expended for an approved

1 purpose, the balance shall continue available for expenditure
2 during any succeeding fiscal year, but only for approved
3 emergency relief purposes and essential public projects as
4 provided in (ii) above. The aggregate amount of moneys
5 available for expenditure for emergency relief purposes and
6 essential public projects only, including payments under (ii)
7 above, shall not exceed the sum of \$5,000,000 at the end of
8 any fiscal year. Any unobligated or unexpended balance of
9 the Federal contribution remaining at the end of a fiscal year
10 which would cause the moneys available for emergency relief
11 purposes and essential public projects only to exceed the
12 sum of \$5,000,000 shall thereupon be transferred and paid
13 over to the Treasury of the United States as miscellaneous
14 receipts.”

15 (c) Notwithstanding any other provision of law, section
16 526 of the Tariff Act of 1930 (46 Stat. 741, 19 U. S. C.,
17 1946 edition, sec. 1526) and section 42 of the Trade Mark
18 Act of 1946 (60 Stat. 440, 15 U. S. C., 1946 edition, sec.
19 1124) shall not apply to the Virgin Islands.

20 (d) There shall be levied, collected, and paid upon all
21 articles coming into the United States or its possessions from
22 the Virgin Islands the rates of duty and internal revenue
23 taxes which are required to be levied, collected, and paid
24 upon like articles imported from foreign countries: *Provided*,
25 That all articles, the growth or product of, or manufactured

1 in, such islands, from materials grown or produced in such
 2 islands or in the United States, or both, or which do not
 3 contain foreign materials to the value of more than 50 per
 4 centum of their total value, upon which no drawback of
 5 custom duties has been allowed therein, coming into the
 6 United States from such islands shall be admitted free of
 7 duty. In determining whether such a Virgin Islands article
 8 contains foreign material to the value of more than 50 per
 9 centum, no material shall be considered foreign which, at the
 10 time the Virgin Islands article is entered, or withdrawn from
 11 warehouse for consumption, may be imported into the con-
 12 tinental United States free of duty generally.

MISCELLANEOUS PROVISIONS

14 SEC. 27. All officials of the government of the Virgin
 15 Islands shall be citizens of the United States. Every mem-
 16 ber of the Legislature of the Virgin Islands and all officers
 17 and employees of the government of the Virgin Islands shall
 18 before entering upon the duties of their respective offices, or,
 19 in the case of persons in the employ of the government of
 20 the Virgin Islands on the effective date of this Act, then
 21 within sixty days of the effective date thereof, make a writ-
 22 ten statement in the following form:

23 "I, -----, do solemnly
 24 swear (or affirm) that I will support, obey, and defend the
 25 Constitution and laws of the United States applicable to

1 the Virgin Islands and the laws of the Virgin Islands, and
2 that I will discharge the duties of -----
3 ----- with fidelity.

4 "And I do further swear (or affirm) that I do not
5 advocate, nor am I knowingly a member of any organization
6 that advocates, the overthrow of the Government of the
7 United States or of the Virgin Islands by force or violence
8 or other unconstitutional means, or seeking by force or
9 violence to deny other persons their rights under the Con-
10 stitution and laws of the United States applicable to the
11 Virgin Islands or the laws of the Virgin Islands.

12 "And I do further swear (or affirm) that I will not
13 so advocate nor will I knowingly become a member of such
14 organization during the period that I am an employee of
15 the Virgin Islands."

16 SEC. 28. All reports required by law to be made by the
17 Governor to any official of the United States shall here-
18 after be made to the Secretary of the Interior, and the
19 President is hereby authorized to place all matters pertain-
20 ing to the government of the Virgin Islands under the
21 jurisdiction of the Secretary of the Interior, except matters
22 relating to the judicial branch of said government which
23 on the date of approval of this Act are under the supervi-
24 sion of the Director of the Administrative Office of the
25 United States Courts.

1 SEC. 29. (a) The Secretary of the Interior shall be
2 authorized to lease or to sell upon such terms as he may
3 deem advantageous to the Government of the United States
4 any property of the United States under his administrative
5 supervision in the Virgin Islands not needed for public
6 purposes.

7 (b) The government of the Virgin Islands shall con-
8 tinue to have control over all public property that is under
9 its control on the date of approval of this Act.

10 SEC. 30. Section 6 of the Act of August 30, 1890 (26
11 Stat. 414, 416), as amended (21 U. S. C., 1946 edition,
12 sec. 104) is further amended by inserting the words "and
13 the admission into the Virgin Islands" immediately follow-
14 ing the word "Texas", so that such section will read as
15 follows:

16 "The importation of cattle, sheep, and other ruminants,
17 and swine, which are diseased or infected with any disease,
18 or which shall have been exposed to such infection within
19 sixty days next before their exportation, is prohibited:
20 *Provided*, That the Secretary of Agriculture, within his
21 discretion and under such regulations as he may prescribe,
22 is authorized to permit the admission from Mexico into the
23 State of Texas and the admission into the Virgin Islands of
24 cattle which have been infested with or exposed to ticks
25 upon being freed therefrom. Any person who shall know-

1 ingly violate the foregoing provision shall be deemed guilty
2 of a misdemeanor and shall, on conviction, be punished by a
3 fine not exceeding \$5,000, or by imprisonment not exceed-
4 ing three years, and any vessel or vehicle used in such
5 unlawful importation within the knowledge of the master or
6 owner of such vessel or vehicle that such importation is
7 diseased or has been exposed to infection as herein described,
8 shall be forfeited to the United States.”

9 SEC. 31. Section 2 of the Act of February 2, 1903 (32
10 Stat. 791, 792), as amended (21 U. S. C., 1946 edition, sec.
11 111), is hereby further amended by striking out the period
12 and adding at the end thereof the following: “: *Provided*,
13 That no such regulations or measures shall pertain to the
14 introduction of live poultry into the Virgin Islands of the
15 United States.”.

16 SEC. 32. This Act shall take effect upon its approval, but
17 until its provisions shall severally become operative as herein
18 provided, the corresponding legislative, executive, and judi-
19 cial functions of the existing government shall continue to be
20 exercised as now provided by law or ordinance, and the in-
21 cumbents of all offices under the government of the Virgin
22 Islands shall continue in office until their successors are ap-
23 pointed and have qualified unless sooner removed by competent
24 authority. The enactment of this Act shall not affect the term

1 of office of the judge of the district court of the Virgin Islands
2 in office on the date of its enactment.

3 SEC. 33. There are hereby authorized to be appropriated
4 annually by the Congress of the United States such sums as
5 may be necessary and appropriate to carry out the provisions
6 and purposes of this Act.

7 SEC. 34. Except to the extent necessary to implement
8 the provisions of section 35, the Act of June 22, 1936 (49
9 Stat. 1807), and any other provisions of law inconsistent
10 with this Act are hereby repealed.

83^d CONGRESS
2^d SESSION

S. 3378

[Report No. 1271]

A BILL

To revise the Organic Act of the Virgin Islands
of the United States.

By Mr. BUTLER of Nebraska

APRIL 29 (legislative day, APRIL 14), 1954

Read twice and ordered to be placed on the calendar

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 14, 1954
For actions of May 13, 1954
83rd-2nd, No. 88

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HIGHLIGHTS: Senate passed emergency farm loans bill. Senate passed Treasury-Post Office appropriation bill. Senate recommitted bill to expedite ICC rate decisions. Senate made surplus-fish bill its unfinished business. House subcommittee voted to report bill to increase excess-tobacco penalty.

SENATE

1. FARM LOANS. Passed with amendments S. 3245, to authorize the Secretary of Agriculture to use \$15,000,000 of the Disaster Loan Revolving Fund for emergency loans to farmers and stockmen until Dec. 31, 1954. Agreed to an amendment by Sen. Welker to revise Sec. 2 so as to make loans available to individuals or partnerships actively engaged in farm or ranch operations, limit individual loans to \$15,000, limit the total debt of a borrower under this act to \$20,000, authorize the Secretary to determine interest rates and other terms and conditions, and require that loans be secured by personal obligation and available security. (pp. 6185-6.)
2. TREASURY-POST OFFICE APPROPRIATION BILL, 1955. Passed with amendments this bill, H. R. 7893. Senate conferees were appointed. (pp. 6163-70, 6174-85.)
3. TRANSPORTATION. Recommited, 39 to 37, S. 1461, to expedite ICC action upon applications of certain common carriers for rate increases. (pp. 6152-63).
4. PUBLIC LANDS. The Interior and Insular Affairs Committee reported without amendment H. R. 6186, granting preference rights to users of withdrawn public lands for grazing purposes when the lands are restored from the withdrawal (S. Rept. 1329), and with amendments H. R. 2512, to extend the privilege of buying certain public lands to business associations, corporations, States, or other governmental subdivisions for home and other sites (S. Rept. 1330) (p. 6148).
5. CIVIL DEFENSE. The Armed Services Committee reported without amendment H. R. 7308, to repeal Sec. 307 of the Federal Civil Defense Act of 1950, which provides for termination of title III (emergency authority) on June 30, 1954 (S. Rept. 1334) (p. 6148).

6. FISHERY PRODUCTS. S. 2802, to earmark Sec. 32 funds for education, publicity, and research in connection with fishery products, was made the unfinished business (p. 6187).
7. GRAIN. Sen. Carlson inserted various resolutions of the Kansas Grain and Feed Dealers Association (p. 6147).
8. VIRGIN ISLANDS. S. 3378, as reported Apr. 29, would revise the Organic Act of the Virgin Islands (S. Rept. 1271). Sec. 30 of the bill amends the Animal Quarantine Act so that cattle which have been infested with or exposed to ticks, but which are now free from them, may be admitted into the Virgin Islands, under such regulations as the Secretary of Agriculture may prescribe. Sec. 31 amends the statute pertaining to poultry quarantine so as to provide that the Secretary of Agriculture cannot issue regulations or take measures with respect to the introduction of live poultry into the Virgin Islands.

HOUSE.

9. TOBACCO MARKETING. A subcommittee of the Agriculture Committee voted to report to the full Committee H. R. 8135, to increase the penalty on tobacco marketed in excess of marketing quotas to 50% (now 40%) of the previous year's average price (p. D525).
10. EDUCATION. Passed, 179 to 157, with amendments H. R. 7134, to establish a National Advisory Committee on Education (pp. 6190-201).
11. TRANSPORTATION. House conferees were appointed on H. R. 2236, to provide for a commission to regulate public transportation in the D. C. area (p. 6202). Senate conferees have not been appointed.
12. ADJOURNED until Mon., May 17 (p. 6210). Legislative program for next week, as announced by Majority Leader Halleck: Mon., Consent Calendar; Tues., Private Calendar; and balance of week, various bills (not agricultural)(p. 6201).

BILLS INTRODUCED

13. EDUCATION. S. 3450, by Sen. Clements (for Sen. Burke), to extend for 2 additional years the program of assistance for school construction in Federally affected areas; to Labor and Public Welfare Committee (p. 6148).
14. PERSONNEL. H. R. 9133, by Rep. Becker, "to amend the Classification Act"; to Post Office and Civil Service Committee (p. 6210). Remarks of author (p. A3559).
by Rep. Phillips,
15. SURPLUS COMMODITIES. H. R. 9141, to encourage the disposal of surpluses in foreign countries; to Agriculture Committee (p. 6211).

COMMITTEE HEARINGS RELEASED BY GPO

16. HOUSING. S. 2889, S. 2938, and S. 2949, proposed Housing Act of 1954 and amendment for smoke elimination and air pollution prevention. Part 2. S. Banking and Currency Committee.
17. EDUCATION. S. 2723, S. 2724, S. 2856, President's recommendations relating to education. S. Labor and Public Welfare Committee.

REVISING THE ORGANIC ACT OF THE VIRGIN ISLANDS OF THE UNITED STATES

MAY 13, 1954.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. MILLER of Nebraska, from the Committee on Interior and Insu-
lar Affairs, submitted the following

R E P O R T

[To accompany H. R. 5181]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 5181) to revise the Organic Act of the Virgin Islands of the United States, having considered the same, report favorably thereon with an amendment and recommend that the bill do pass.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Revised Organic Act of the Virgin Islands".

SEC. 2. (a) The provisions of this Act, and the name "Virgin Islands" as used in this Act, shall apply to and include the territorial domain, lands, cays, and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. 1706).

(b) The government of the Virgin Islands shall have the powers set forth in this Act and shall have the right to sue by such name, and in cases arising out of contract, to be sued: *Provided*, That no tort action shall be brought against the government of the Virgin Islands or against any officer or employee thereof in his official capacity without the consent of the legislature constituted by this Act.

The capital and seat of government of the Virgin Islands shall be located at the city of Charlotte Amalie, in the island of Saint Thomas.

BILL OF RIGHTS

SEC. 3. No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to any person therein equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to be represented by counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted

with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence against himself; nor shall any person sit as judge or magistrate in any case in which he has been engaged as attorney or prosecutor.

All persons shall be bailable by sufficient sureties in the case of criminal offenses, except for first-degree murder or any capital offense when the proof is evident or the presumption great.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned or shall suffer forced labor for debt.

All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

No ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken for public use except upon payment of just compensation ascertained in the manner provided by law.

The right to be secure against unreasonable searches and seizures shall not be violated.

No warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Slavery shall not exist in the Virgin Islands.

Involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted by a court of law, shall not exist in the Virgin Islands.

No law shall be passed abridging the freedom of speech or of the press or the right of the people peaceably to assemble and petition the government for a redress of grievances.

No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and no political or religious test other than an oath to support the Constitution and the laws of the United States applicable to the Virgin Islands, and the laws of the Virgin Islands, shall be required as a qualification to any office or public trust under the government of the Virgin Islands.

No money shall be paid out of the treasury except in accordance with an Act of Congress or money bill of the legislature and on warrant drawn by the proper officer.

The contracting of polygamous or plural marriages is prohibited.

The employment of children under the age of sixteen years in any occupation injurious to health or morals or hazardous to life or limb is prohibited.

Nothing contained in this Act shall be construed to limit the power of the legislature herein provided to enact laws for the protection of life, the public health, or the public safety.

FRANCHISE

SEC. 4. The franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, twenty-one years of age or over. Additional qualifications may be prescribed by the legislature: *Provided, however,* That no property, language, or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

LEGISLATIVE BRANCH

SEC. 5. (a) The legislative power and authority of the Virgin Islands shall be vested in a legislature, consisting of one house, to be designated the "Legislature of the Virgin Islands", herein referred to as the legislature.

(b) The legislature shall be composed of eleven members to be known as senators. Two senators shall be elected by the qualified electors of the District of Saint Thomas; two senators shall be elected by the qualified electors of the District of Saint Croix; and one senator shall be elected by the qualified electors of the District of Saint John; which districts are hereby established. The other six senators shall be senators at large and shall be elected by the qualified electors of the Virgin Islands from the Virgin Islands as a whole: *Provided,* That in the election of senators at large, each elector shall be entitled to vote for four candi-

dates, and the candidates receiving the largest number of votes shall be declared elected up to the number to be elected at that election. The order of names upon the ballot shall be determined by lot among the candidates.

SEC. 6. (a) The term of office of each member of the legislature shall be two years. The term of office of each member shall commence on the second Monday in January following his election.

(b) No person shall be eligible to be a member of the legislature who is not a citizen of the United States, who has not attained the age of twenty-five years, who is not a qualified voter in the Virgin Islands, who has not been a bona fide resident of the Virgin Islands for at least three years next preceding the date of his election, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights. Federal employees and persons employed in the legislative, executive, or judicial branches of the government of the Virgin Islands shall not be eligible for membership in the legislature.

(c) All officers and employees charged with the duty of directing the administration of the electoral system of the Virgin Islands and its representative districts shall be appointed in such manner as the legislature may by law direct.

(d) No member of the legislature shall be held to answer before any tribunal other than the legislature for any speech or debate in the legislature and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature and in going to and returning from the same.

(e) Each member of the legislature shall be paid the sum of \$600 annually, one-third on the second Monday in January, one-third on the second Monday in February and one-third at the close of the regular session. Each member of the legislature who is away from the island of his residence shall also receive the sum of \$10 per day for each day's attendance while the legislature is actually in session, in lieu of his expenses for subsistence, and shall be reimbursed for his actual travel expenses in going to and returning from each session, or period thereof, for not to exceed a total of eight round trips during any calendar year. The salaries, per diem, and travel allowances of the members of the legislature shall be paid by the Government of the Virgin Islands.

(f) No member of the legislature shall hold or be appointed to any office which has been created by the legislature, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, or during one year after the expiration of such term.

(g) The legislature shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpoenas to witnesses and other parties concerned, and administer oaths. The rules of the Legislative Assembly of the Virgin Islands existing on the date of approval of this Act shall continue in force and effect for sessions of the legislature, except as inconsistent with this Act, until altered, amended, or repealed by the legislature.

(h) The judge for the District Court of the Virgin Islands shall fill any vacancy in the office of member of the legislature by appointment from a panel of three names supplied by the legislature. If the vacant office is that of a senator from a district, the person appointed shall be a resident of the district from which the member whose office is vacant was elected. If the vacant office is that of a representative at large, the residence of the person appointed shall not be material. In any case, the person appointed shall serve for the remainder of the unexpired term.

SEC. 7. (a) Regular sessions of the legislature shall be held annually, commencing on the second Monday in January, and shall continue in regular session for not more than sixty consecutive calendar days in any calendar year. The Governor may call special sessions of the legislature at any time when in his opinion the public interests may require it, but no special session shall continue longer than fifteen calendar days, and the aggregate of such special sessions during any calendar year shall not exceed thirty calendar days. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session.

(b) Sessions of the legislature shall be held in the capital of the Virgin Islands at Charlotte Amalie, Saint Thomas.

SEC. 8. (a) The legislative authority and power of the Virgin Islands shall extend to all subjects of local application not inconsistent with this Act or the laws of the United States made applicable to the Virgin Islands, but no law shall be

enacted which would impair the rights existing or arising by virtue of any treaty or international agreement entered into by the United States, nor shall the lands or other property of nonresidents be taxed at a higher rate than the lands or other property of residents.

(b) The laws of the United States applicable to the Virgin Islands on the date of approval of this Act, including laws made applicable to the Virgin Islands by or pursuant to the provisions of the Act of June 22, 1936 (49 Stat. 1807), and all local laws and ordinances in force in the Virgin Islands on the date of approval of this Act shall, to the extent they were not inconsistent with this Act, continue in force and effect until otherwise provided by the Congress: *Provided*, That the legislature shall have power, when within its jurisdiction and not inconsistent with the other provisions of this Act, to amend, alter, modify, or repeal any local law or ordinance, public or private, civil or criminal, continued in force and effect by this Act, except as herein otherwise provided, and to enact new laws not inconsistent with any law of the United States applicable to the Virgin Islands, subject to the power of Congress to annul any such act of the legislature.

(c) The President of the United States shall appoint a commission of seven persons, at least three of whom shall be residents of the Virgin Islands, to survey the field of Federal statutes and to make recommendations to the Congress within twelve months after the date of approval of this Act as to which statutes of the United States not applicable to the Virgin Islands on such date should be made applicable to the Virgin Islands, and as to which statutes of the United States applicable to the Virgin Islands on such date should be declared inapplicable. The members of the commission shall receive no salary for their service on the commission, but under regulations and in amounts prescribed by the Secretary of the Interior, they may be paid, out of Federal funds, reasonable per diem fees, and allowances in lieu of subsistence expenses, for attendance at meetings of the commission, and for time spent on official business of the commission, and their necessary travel expenses to and from meetings or when upon such official business, without regard to the Travel Expense Act of 1949.

(d) The Secretary of the Interior shall arrange for the preparation, at Federal expense, of a code of laws of the Virgin Islands, to be entitled the "Virgin Islands Code", which shall be a consolidation, codification, and revision of the local laws and ordinances in force in the Virgin Islands. When prepared, the Governor shall submit it, together with his recommendations, to the legislature for enactment. Upon the enactment of the Virgin Islands Code it and any supplements to it shall be printed, at Federal expense, by the Government Printing Office as a public document.

SEC. 9. (a) The quorum of the legislature shall consist of seven of its members. No bill shall become a law unless it shall have been passed at a meeting at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.

(b) The enacting clause of all acts shall be as follows: "Be it enacted by the Legislature of the Virgin Islands".

(c) The Governor shall submit at the opening of each regular session of the legislature a message on the state of the Virgin Islands and a budget of estimated receipts and expenditures, which shall be the basis of the appropriation bills for the ensuing fiscal year.

(d) Every bill passed by the legislature shall, before it becomes a law, be presented to the Governor. If the Governor approves the bill, he shall sign it. If the Governor disapproves the bill, he shall, except as hereinafter provided, return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him. If the Governor does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature agree to pass the bill, it shall be presented anew to the Governor. If he then approves it, he shall sign it; if not, he shall within ten days after it has been presented to him transmit it to the President of the United States. If the President approves the bill, he shall sign it. If he disapproves the bill, he shall return it to the Governor, so stating, and it shall not be a law. If the President neither approves nor disapproves the bill within ninety days from the date on which it is transmitted to him by the Governor, the bill shall be a law in like manner as if the President had signed it.

If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect.

(e) If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payment of the obligations and necessary current expenses of the government of the Virgin Islands for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item.

(f) The legislature shall keep a journal of its proceedings and publish the same. Every bill passed by the legislature and the yeas and nays on any question shall be entered on the journal.

(g) Copies of all laws enacted by the legislature shall be transmitted within fifteen days of their enactment by the Governor to the Secretary of the Interior and by him annually to the Congress of the United States.

SEC. 10. The next general election in the Virgin Islands shall be held on November 2, 1954. At such time there shall be chosen the entire membership of the legislature as herein provided. Thereafter the general elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1956, and every two years thereafter. The Municipal Council of Saint Thomas and Saint John, and the Municipal Council of Saint Croix, existing on the date of approval of this Act, shall continue to function until January 10, 1955, at which time all of the functions, property, personnel, records, and unexpended balances of appropriations of the governments of said municipalities shall be transferred to the government of the Virgin Islands.

EXECUTIVE BRANCH

SEC. 11. The executive power of the Virgin Islands shall be vested in an executive officer whose official title shall be the "Governor of the Virgin Islands," and shall be exercised under the supervision of the Secretary of the Interior. The Governor of the Virgin Islands shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President and until his successor is chosen and qualified. The Governor shall reside in Saint Thomas during his official incumbency. He shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and may grant respites for all offenses against the laws of the United States applicable in the Virgin Islands until the decision of the President can be ascertained. He may veto any legislation as provided in this Act. He shall appoint all officers and employees of the executive branch of the government of the Virgin Islands, except as otherwise provided in this or any other Act of Congress, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Virgin Islands and the laws of the United States applicable in the Virgin Islands. Whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia, to prevent or suppress violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the islands, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon made known. He shall annually, and at such other times as the President or the Congress may require, make official report of the transactions of the government of the Virgin Islands to the Secretary of the Interior, and his said annual report shall be transmitted to the Congress. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President, or by the Secretary of the Interior. He shall have the power to issue executive regulations not in conflict with any applicable law. He may attend or may designate another person to represent him at the meetings of the legislature, may give expression to his views on any matter before that body, and may recommend bills to the legislature.

SEC. 12. The President shall appoint a government secretary for the Virgin Islands, who shall reside in Saint Croix during his official incumbency. He shall

have custody of the seal of the Virgin Islands and shall countersign and affix such seal to all executive proclamations and all other executive documents. He shall record and preserve the laws enacted by the legislature. He shall promulgate all proclamations and orders of the Governor and all laws enacted by the legislature. He shall have such executive powers and perform such other duties as may be assigned to him by the Governor. He shall also serve as the Administrator for Saint Croix, without additional compensation, and in that capacity shall act for the Governor in the administration of the affairs of Saint Croix.

SEC. 13. In case of a vacancy in the office of Governor or the disability or temporary absence of the Governor, the government secretary shall have all the powers of the Governor.

SEC. 14. The Secretary of the Interior may from time to time designate the head of an executive department of the government of the Virgin Islands to act as Governor in the case of a vacancy in the offices, or the disability or temporary absence, of both the Governor and the government secretary, and the person so designated shall have all the powers of the Governor for so long as such condition continues.

SEC. 15. (a) The Governor shall, within one year after the date of approval of this Act, reorganize and consolidate the existing executive departments, bureaus, independent boards, agencies, authorities, commissions, and other instrumentalities of the government of the Virgin Islands or of the municipal governments, except for independent bodies whose existence may be required by Federal law for participation in Federal programs, into the following executive departments: a department of finance, the head of which shall be designated as the treasurer; a department of public works, the head of which shall be designated as the commissioner of public works; a department of education, the head of which shall be designated as the commissioner of education; a department of commerce and industry, the head of which shall be designated as the commissioner of commerce and industry; a department of health and welfare, the head of which shall be designated as the commissioner of health and welfare; and a department of agriculture and labor, the head of which shall be designated as the commissioner of agriculture and labor. No other department, bureau, independent board, agency, authority, commission, or other instrumentality shall be created, organized, or established by the Governor or the legislature, without the prior approval of the Secretary of the Interior, unless required by Federal law for participation in Federal programs.

(b) The Governor shall, from time to time, examine the organization of the executive branch of the government of the Virgin Islands, and shall make such changes therein, not inconsistent with this Act, as he determines are necessary to promote effective management and to execute faithfully the purposes of this Act and the laws of the Virgin Islands.

(c) The heads of the executive departments created by this Act shall be appointed by the Governor, with the advice and consent of the legislature. Each shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is appointed and qualified, unless sooner removed by the Governor. Each shall have such powers and duties as may be prescribed by the legislature.

SEC. 16. (a) The Secretary of the Interior shall appoint a government comptroller who shall be nominated by the Comptroller General of the United States and who shall receive a salary of \$12,500 per annum. The government comptroller shall hold office for a term of ten years and until his successor is appointed and qualified, unless sooner removed by the President for cause. The government comptroller shall not be eligible for reappointment.

(b) The government comptroller shall establish and maintain appropriate general accounts for revenues and receipts accrued, and collected or abated, for the bonded indebtedness of the Virgin Islands, for the cash with accountable officers and for appropriations and property of the government of the Virgin Islands and accounts pertaining to the funds and property held in trust by the government or any of its branches.

(c) The jurisdiction of the government comptroller over the accounts whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive.

(d) He shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the methods of accounting for public funds and property, and funds and property held in trust by the government or any of its branches.

(e) The government comptroller shall examine, adjust, decide, audit, and settle all accounts and claims pertaining to the revenues and receipts from whatever

source of the government of the Virgin Islands and of funds derived from bond issues; and he shall examine, audit, and settle, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands including those pertaining to trust funds held by the government of the Virgin Islands.

(f) It shall be the duty of the government comptroller to bring to the attention of the proper administrative officer failures to collect amounts due the government, and expenditures of funds or property which in his opinion are extravagant, excessive, unnecessary, or irregular.

(g) It shall be the duty of the government comptroller to certify to the Secretary of the Interior the net amount of government revenues which form the basis for Federal grants for the civil government of the Virgin Islands.

(h) The decisions of the government comptroller shall be final except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year from the date of the decision, to the Governor, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken with the reasons and the authorities relied upon for reversing such decision.

(i) If the Governor confirms the decision of the government comptroller, then relief may be sought by appeal to the legislature or to the District Court of the Virgin Islands.

(j) The government comptroller shall, except as may be otherwise provided, have like authority as that conferred by law on the Comptroller General of the United States, and is authorized to communicate directly with any person having claims before him for settlement, or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

(k) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of the Virgin Islands an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government, classified according to municipalities.

(l) The government comptroller shall make such other reports as may be required by the Governor of the Virgin Islands, the Comptroller General of the United States, or the Secretary of the Interior.

(m) The office of the government comptroller shall be under the general supervision of the Governor, but shall not be a part of any executive department in the government of the Virgin Islands.

SYSTEM OF ACCOUNTS

SEC. 17. The system of accounts for the government of the Virgin Islands shall be prescribed by the Comptroller General of the United States.

SEC. 18. The fiscal transactions and accounts of the government of the Virgin Islands, including special and trust funds administered by the government of the Virgin Islands shall be subject to review annually by the Comptroller General of the United States, and report thereon shall be made by him to the Governor, the Secretary of the Interior, and to the Congress.

SEC. 19. (a) The Governor shall receive an annual salary at the rate provided for Governors of Territories and possessions in the Executive Pay Act of 1949.

(b) The government secretary, the heads of the executive departments, and the members of the immediate staffs of the Governor and the government secretary shall receive annual salaries at rates established by the Secretary of the Interior in accordance with the standards provided in the Classification Act of 1949.

(c) The salaries of the Governor, the government secretary, and the members of their immediate staffs shall be paid by the United States. The salaries of the government comptroller and the heads of the executive departments shall be paid by the government of the Virgin Islands; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor.

JUDICIAL BRANCH

SEC. 20. The judicial power of the Virgin Islands shall be vested in a court of record to be designated the "District Court of the Virgin Islands", and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by local law.

SEC. 21. The District Court of the Virgin Islands shall have the jurisdiction of a district court of the United States in all causes arising under the Constitution,

treaties and laws of the United States. It shall have general original jurisdiction in all civil actions arising under the local law in force in the Virgin Islands wherein the matter in controversy exceeds the sum or value of \$500, exclusive of interest and costs. It shall have general original jurisdiction in all criminal cases involving offenses against the local law in force in the Virgin Islands where the minimum punishment which may be imposed exceeds a fine of \$100 or imprisonment for six months or both. The district court shall also have appellate jurisdiction to review the judgments and orders of the inferior courts of the Virgin Islands to the extent now or hereafter prescribed by local law.

SEC. 22. The inferior courts now or hereafter established by local law shall have jurisdiction of all civil actions wherein the matter in controversy does not exceed the sum or value of \$500, exclusive of interest and costs, all criminal cases wherein the maximum punishment which may be imposed does not exceed a fine of \$100 or imprisonment for six months, or both, all violations of police and executive regulations, and all actions, civil or criminal, jurisdiction of which may hereafter be conferred upon them by local law. The inferior courts shall hold preliminary investigations in charges of felony and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction granted to the inferior courts by this section, and shall commit offenders to district court and grant bail in bailable cases. The rules governing the inferior courts and prescribing the duties of the judges and officers thereof, oaths and bonds, the times and places of holding court, and the procedure for appeals to the district court shall be as may hereafter be established by the district court. The rules governing disposition of fines, costs and forfeitures, enforcement of judgments, and disposition and treatment of prisoners shall be as established by law or ordinance in force on the date of approval of this Act or as may hereafter be so established.

SEC. 23. The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of the Virgin Islands, who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The salary of the judge of the district court shall be at the rate prescribed for judges of the United States district courts. The Chief Justice of the United States may assign any United States circuit or district judge, with his consent, to serve as a judge in the District Court of the Virgin Islands whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the court. The provisions of chapter 49 of title 28, United States Code, shall apply to the District Court of the Virgin Islands. The compensation of the judge of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States. The Attorney General shall, as heretofore, appoint a marshal for the Virgin Islands to whose office the provisions of chapter 33 of title 28, United States Code, shall apply.

SEC. 24. The Virgin Islands shall consist of two judicial divisions, one constituted by the island of Saint Croix, and one constituted by the islands of Saint Thomas and Saint John. The district court shall hold sessions in each division at such time as the court may designate by rule or order, at least once in three months in each division. The practice and procedure in the district court shall be as prescribed by rules and orders of the court. The process of the district court shall run throughout the Virgin Islands.

SEC. 25. In any criminal case originating in the district court, no person shall be denied the right to trial by jury on the demand of either party. If no jury is demanded the case shall be tried by the judge of the district court without a jury, except that the judge may, on his own motion, order a jury for the trial of any criminal action. The legislature may provide for trial in misdemeanor cases by a jury of six qualified persons.

SEC. 26. The President shall, by and with the advice and consent of the Senate, appoint a district attorney for the Virgin Islands, who shall hold office for the term of four years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The district attorney shall conduct all legal proceedings, civil and criminal, to which the Government of the United States is a party in the District Court of the Virgin Islands and in the inferior courts of the Virgin Islands, and to which the government of the Virgin Islands is a party in the District Court of the Virgin Islands. Offenses against the laws of the Virgin Islands shall be prosecuted in the name of the people of the Virgin Islands. He shall also serve as legal adviser to the Governor. The district attorney shall perform his duties under the supervision and direction of the Attorney General of the United States. The Attorney General shall appoint one assistant district

attorney who shall conduct all proceedings, civil and criminal, to which the government of the Virgin Islands is a party in the inferior courts of the Virgin Islands. The Attorney General may authorize the employment of necessary clerical assistants. The compensation of the district attorney and his assistant and employees shall be fixed by the Attorney General and their salaries and the other necessary expenses of the office shall be paid from appropriations made to the Department of Justice. In the case of a vacancy in the office of the district attorney, the District Court of the Virgin Islands may appoint a district attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.

FISCAL PROVISIONS

SEC. 27. (a) The proceeds of customs duties, the proceeds of the United States income tax, the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and the proceeds of all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands, less the cost of collecting all of said duties, taxes, and fees, shall be covered into the treasury of the Virgin Islands, and shall be available for expenditure as the Legislature of the Virgin Islands may provide: *Provided*, That the term "inhabitants of the Virgin Islands" as used in this section shall include all persons whose permanent residence is in the Virgin Islands, and such persons shall satisfy their income tax obligation under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands: *Provided further*, That nothing in this Act shall be construed to apply to any tax specified in section 3811 of the Internal Revenue Code.

(b) Subchapter B of chapter 28 of the Internal Revenue Code is amended by adding to section 3350 thereof the following subsection:

"(c) DISPOSITION OF INTERNAL REVENUE COLLECTIONS.—Beginning with the fiscal year ending June 30, 1954, and annually thereafter, the Secretary of the Treasury shall determine the amount of all taxes imposed by, and collected during the fiscal year under, the internal revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States. The amount so determined less 1 per centum and less the estimated amount of refunds or credits shall be subject to disposition as follows:

"(i) There shall be transferred and paid over to the government of the Virgin Islands from the amounts so determined a sum equal to the total amount of the revenue collected by the government of the Virgin Islands during the fiscal year, as certified by the treasurer of the Virgin Islands. The moneys so transferred and paid over shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as the legislature may determine: *Provided*, That the approval of the President or his designated representative shall be obtained before such moneys may be obligated or expended.

"(ii) There shall also be transferred and paid over to the Government of the Virgin Islands during each of the fiscal years ending June 30, 1955, and June 30, 1956, the sum of \$1,000,000, or the balance of the internal revenue collections available under this subsection (c) after payments are made under the preceding paragraph (i), whichever amount is greater. The moneys so transferred and paid over shall be deposited in the separate fund established by the preceding paragraph (i) but shall be obligated or expended for emergency purposes and essential public projects only, with the prior approval of the President or his designated representative.

"(iii) Any amounts remaining shall be deposited in the Treasury of the United States as miscellaneous receipts.

"If at the end of any fiscal year the total of the Federal contribution made under (i) above at the beginning of that fiscal year has not been obligated or expended for an approved purpose the balance shall continue available for expenditure during any succeeding fiscal year, but only for approved emergency relief purposes and essential public projects as provided in (ii) above. The aggregate amount of moneys available for expenditure for emergency relief purposes and essential public projects only, including payments under (ii) above, shall not exceed the sum of \$5,000,000 at the end of any fiscal year. Any unobligated or unexpended balance of the Federal contribution remaining at the end of a fiscal year which would cause the moneys available for emergency relief purposes and essential public projects only to exceed the sum of \$5,000,000 shall thereupon be transferred and paid over to the Treasury of the United States as miscellaneous receipts."

(c) Notwithstanding any other provision of law, section 526 of the Tariff Act of 1930 (46 Stat. 741; 19 U. S. C., 1946 edition, sec. 1526), and section 42 of the Trade Mark Act of 1946 (60 Stat. 440; 15 U. S. C., 1946 edition, sec. 1124), shall not apply to the Virgin Islands.

(d) There shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the Virgin Islands the rates of duty and internal revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of, or manufactured in, such islands, from materials grown or produced in such islands or in the United States, or both, or which do not contain foreign materials to the value of more than 50 per centum of their total value, upon which no drawback of custom duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. In determining whether such a Virgin Islands article contains foreign material to the value of more than 50 per centum, no material shall be considered foreign which, at the time the Virgin Islands article is entered, or withdrawn from warehouse for consumption, may be imported into the continental United States free of duty generally.

MISCELLANEOUS PROVISIONS

SEC. 28. All officials of the government of the Virgin Islands shall be citizens of the United States. Every member of the Legislature of the Virgin Islands and all officers and employees of the government of the Virgin Islands shall before entering upon the duties of their respective offices, or, in the case of persons in the employ of the government of the Virgin Islands on the effective date of this Act, then within sixty days of the effective date thereof, make a written statement in the following form:

"I, -----, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution and laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands, and that I will discharge the duties of ----- with fidelity.

"And I do further swear (or affirm) that I do not advocate, nor am I knowingly a member of any organization that advocates, the overthrow of the Government of the United States or of the Virgin Islands by force or violence or other unconstitutional means, or seeking by force or violence to deny other persons their rights under the Constitution and laws of the United States applicable to the Virgin Islands or the laws of the Virgin Islands.

"And I do further swear (or affirm) that I will not so advocate nor will I knowingly become a member of such organization during the period that I am an employee of the Virgin Islands."

SEC. 29. All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is hereby authorized to place all matters pertaining to the government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to the judicial branch of said government which on the date of approval of this Act are under the supervision of the Director of the Administrative Office of the United States Courts.

SEC. 30. (a) The Secretary of the Interior shall be authorized to lease or to sell upon such terms as he may deem advantageous to the Government of the United States any property of the United States under his administrative supervision in the Virgin Islands not needed for public purposes.

(b) The government of the Virgin Islands shall continue to have control over all public property that is under its control on the date of approval of this Act.

SEC. 31. Section 6 of the Act of August 30, 1890 (26 Stat. 414, 416), as amended (21 U. S. C., 1946 edition, sec. 104), is further amended by inserting the words "and the admission into the Virgin Islands" immediately following the word "Texas", so that such section will read as follows:

"The importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is prohibited: *Provided*, That the Secretary of Agriculture, within his discretion and under such regulations as he may prescribe, is authorized to permit the admission from Mexico into the State of Texas and the admission into the Virgin Islands of cattle which have been infested with or exposed to ticks upon being freed therefrom. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding three years, and any vessel or vehicle used in

such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States."

SEC. 32. Section 2 of the Act of February 2, 1903 (32 Stat. 791, 792), as amended (21 U. S. C., 1946 edition, sec. 111), is hereby further amended by striking out the period and adding at the end thereof the following: "*Provided, That no such regulations or measures shall pertain to the introduction of live poultry into the Virgin Islands of the United States.*".

SEC. 33. This Act shall take effect upon its approval, but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the incumbents of all offices under the government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority. The enactment of this Act shall not affect the term of office of the judge of the District Court of the Virgin Islands in office on the date of its enactment.

SEC. 34. Except to the extent necessary to implement the provisions of section 35, the Act of June 22, 1936 (49 Stat. 1807), and any other provisions of law inconsistent with this Act are hereby repealed.

EXPLANATION OF THE BILL

The purpose of H. R. 5181 is to revise the Organic Act of the Virgin Islands (49 Stat. 1807; 48 U. S. C., 1946 edition, section 1405 et seq.), which has not been amended in any major respect since its enactment in 1936. During the past several years, various bills embracing the respective views of the Department of the Interior, the Chamber of Commerce of the Virgin Islands, and the Virgin Islands Legislative Assembly have been introduced for congressional consideration and lengthy hearings held thereon. H. R. 5181, as amended, incorporates desirable features of the previously introduced bills with a view to achieving a most efficient and economical government which will be consistent with the needs of the Virgin Islanders.

H. R. 5181 will also put into effect certain fundamental changes in the existing organizational framework of the government of the Virgin Islands.

The Virgin Islands were ceded to the United States by Denmark by treaty of January 25, 1917. From 1917 to 1931, the affairs of the islands were administered by naval governors appointed by the President of the United States. On February 27, 1931, by Executive Order 5556, the islands were placed under the Department of the Interior. In 1927 United States citizenship was conferred on residents of the islands.

UNICAMERAL LEGISLATURE ESTABLISHED

Among the major changes in the existing laws of the Virgin Islands recommended by H. R. 5181 is that concerning the legislative branch of the government. Sections 5 through 10 establish a unicameral legislature for the Virgin Islands, outline its procedures, and terminate the present system of municipal councils and a legislative assembly, which results in dual legislative authority with overlapping and duplication of activities. As operated presently, the system makes necessary an expenditure for government organization out of proportion to the size and population of the area administered.

At the present time there are three sections of the legislative branch. There are two separate municipal councils: namely, the Municipal

Council of St. Thomas and St. John and the Municipal Council of St. Croix. Joint sessions of these two councils presently constitute the third body known as the Legislative Assembly of the Virgin Islands. The present membership of the legislative assembly is 16 members, as compared to the 11 members provided in this bill.

The new body, to be known as the Legislature of the Virgin Islands, will be composed of 11 members designated as senators. Two senators shall be elected by the qualified electors of the district of St. Croix, two from the district of St. Thomas, one from the district of St. John, and six from the Virgin Islands as a whole. In the election of senators at large, each elector shall be entitled to vote for four candidates. The six candidates receiving the greatest number of votes shall be declared elected.

One of the economies to be effected by H. R. 5181 will be the reduction in the expenses of the existing three legislative bodies. Each senator shall receive a fixed salary of \$600 annually and each senator who is away from the island of residence shall also receive the sum of \$10 per day for each day's attendance while the legislature is actually in session. Each senator shall be reimbursed for his actual travel expenses in going to and returning from each session or period thereof for not to exceed a total of eight round trips during any calendar year.

The bill permits the aggregate length of each annual session to 60 consecutive calendar days. The Governor may use his discretion in calling special sessions which are limited to 15 days each or an aggregate of 30 days in any calendar year. Only such legislation shall be considered at any special session as was specified in the call by the Governor. Under the present system, members of the local councils receive an annual salary of \$1,800. In addition, while serving as members of the legislative assembly, each receives an additional \$10 per day up to a limit of 30 days when in attendance, plus an amount prescribed for travel and sustenance.

UNIFICATION OF THE LEGISLATIVE BODIES

A limitation on the length of legislative sessions, a fixing of the per diem for the senators, a reduction in the size of the legislative assembly, and establishing fixed rates for sustenance and travel will result in material economies.

The provision in the present organic act for Presidential consideration of all bills passed over the Governor's veto is retained in this bill.

The Secretary of the Interior is authorized to arrange for the preparation at Federal expense of the codification of the laws of the Virgin Islands under the supervision of a commission appointed by the President to survey the Federal statutes applicable and inapplicable to the Virgin Islands.

Patterned after our Federal Constitution, H. R. 5181 provides for a bill of rights consisting of 17 provisions. The right of franchise is universal for those over 21 years of age and worded so there can be no limitations because of language qualifications.

THE EXECUTIVE DEPARTMENT

H. R. 5181 continues the existing method of having the President of the United States select the Governor of the Virgin Islands with the advice and consent of the United States Senate. As a part of the

reorganization and consolidation program, this bill provides for the creation of the following executive departments: department of justice, department of finance, department of public works, department of education, department of commerce and industry, department of health and welfare, and department of agriculture and labor. The Governor is authorized to transfer to these departments the duties and functions of various instrumentalities of the Virgin Islands and the municipal councils on the date of the enactment of this act. The heads of these executive departments are to be appointed by the Governor, by and with the consent of the Virgin Islands Legislature.

Section 16 of H. R. 5181 provides for the appointment by the Secretary of the Interior of a government comptroller for the Virgin Islands, after being nominated by the Comptroller General of the United States. The term of appointment of the government comptroller is for 10 years unless removed by the President for cause. His annual salary of \$12,500 will be paid by the government of the Virgin Islands. Among the duties to be performed by the government comptroller are the following: To audit and settle all accounts and claims pertaining to the revenues and receipts of the government of the Virgin Islands; to audit and settle all expenditures of funds and property of the government of the Virgin Islands; to issue, with the approval of the Governor, rules and regulations to govern methods of accounting for public funds and property; to submit to the Governor an annual fiscal report showing the receipts and disbursements of the various departments and agencies of the government, and to make such other reports as may be required by the Governor, the Comptroller General of the United States, or the Secretary of the Interior. The decisions of the government comptroller shall be final, with the right of appeal to the Governor.

THE JUDICIAL BRANCH

Several important departures from the existing law are offered in sections 20 through 26, the texts of which have, for the most part, been prepared and recommended by Judge Albert D. Maris, Chairman of the Committee on Revision of the Judicial Court. These sections, following the pattern set by the Guam Organic Act, would simplify and modernize the judiciary provisions of the present Organic Act of the Virgin Islands. They would, moreover, implement certain recommendations of the Judicial Government of the United States made at its September 1950 meeting. Among these recommendations was that the 4-year term of the judge of the District Court of the Virgin Islands be lengthened to 8 years.

FISCAL PROVISIONS

The intent of H. R. 5181 is to terminate the present practice of making direct and deficiency appropriations by Congress to cover deficits in the operation of the two municipal governments and to pay the entire cost of the elaborate central administration. In lieu of these appropriations, this bill provides for a limited return or grant of the internal-revenue taxes on Virgin Islands products. For each dollar of local revenue, including Federal income taxes, which the people of the islands raise, a dollar of the internal-revenue taxes col-

lected on Virgin Islands products would be returned automatically to the Virgin Islands government.

Since local revenues amounted to approximately \$2 million last year, another \$2 million would be granted the Virgin Islands treasury under this matching-funds provision. Thus, roughly \$4 million would be available for appropriation by the Virgin Islands Legislature without the control and restrictions which have necessarily attached themselves to the specific purpose of the Federal appropriations of the past.

Section 26 (c) provides that certain sections of the Tariff Act and the Trademark Act, relating to the importation into the United States of goods of foreign manufacture which bear trade-marks registered in the United States, shall not apply to the Virgin Islands. It is anticipated that this provision will react favorably to tourism, the foremost income-producing activity in the Virgin Islands.

MISCELLANEOUS PROVISIONS

H. R. 5181 provides that each member of the Legislature of the Virgin Islands and each officer and employee of the government of the Virgin Islands shall be a citizen of the United States and shall, before entering upon or continuing in their respective offices, take the following loyalty oath:

I, _____, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution and laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands, and that I will discharge the duties of _____ with fidelity.

And I do further swear (or affirm) that I do not advocate, nor am I knowingly a member of any organization that advocates, the overthrow of the Government of the United States or of the Virgin Islands by force or violence or other unconstitutional means, or seeking by force or violence to deny other persons their rights under the Constitution and laws of the United States applicable to the Virgin Islands or the laws of the Virgin Islands.

And I do further swear (or affirm) that I will not so advocate nor will I knowingly become a member of such organization during the period that I am an employee of the Virgin Islands.

Section 30, by amendment of the Animal Quarantine Act, and section 31, by amendment of a statute pertaining to poultry quarantine, facilitate the importation of live cattle and poultry into the Virgin Islands.

SECTIONAL ANALYSIS OF H. R. 5181

Section 1 provides that the act may be cited as the "Revised Organic Act of the Virgin Islands."

Section 2, in subsection (a), provides that the act shall apply to the Virgin Islands and defines the term "Virgin Islands"; in subsection (b) provides that the government of the Virgin Islands may sue and, in cases arising out of contract, and except for a tort action in connection with which the legislature has not given its consent, be sued. It also provides that the capital of the Virgin Islands shall be at Charlotte Amalie, St. Thomas.

Section 3 provides a bill of rights which is in considerable extent similar to the Bill of Rights of the United States Constitution and which parallels the bill of rights, in somewhat different order, contained in the existing Virgin Islands Organic Act.

Section 4 provides that the franchise shall be vested in Virgin Islands residents who are American citizens. It further provides that

the legislature may prescribe additional qualifications, but that no property, language, or income qualifications shall be imposed and that no discrimination shall be based upon race, color, sex, or religious belief.

Section 5, in subsection (a), vests legislative power and authority in the "Legislature of the Virgin Islands"; subsection (b) establishes the three legislative districts and provides for the election of senators therefrom and for senators at large.

Section 6, in subsection (a), provides 2-year terms of office for each senator; in subsection (b) prescribes eligibility requirements for senators; in subsection (c) provides that persons directing the administration of the electoral system shall be appointed as the legislature directs; in subsection (d) provides for legislative immunity; in subsection (e) provides for payments to the senators of \$600 annually and for certain of their expenses from the government of the Virgin Islands; in subsection (f) limits the positions which senators may hold or to which they may be appointed; in subsection (g) sets forth certain legislative powers; and in subsection (h) provides that the judge of the District Court of the Virgin Islands shall fill vacancies in the legislature.

Section 7, in subsection (a), provides for regular sessions of 60 days per annum and for special sessions not to exceed 30 days in the aggregate; and in subsection (b) provides that the legislature shall be held in Charlotte Amalie, the capital of the Virgin Islands.

Section 8, in subsection (a), describes the extent of the legislature's power and stipulates that lands and other property of nonresidents may not be taxed at a higher rate than the lands or other property of residents; in subsection (b) provides that the laws of the United States applicable to the Virgin Islands on the date of approval of this act and that local laws and ordinances in effect on the same date shall continue to apply; in subsection (c) provides for the appointment of a seven member commission to make recommendations to Congress with regard to the applicability of Federal laws to the Virgin Islands; and in subsection (d) provides for the codification of Virgin Islands laws at Federal expense.

Section 9 (a) prescribes the quorum of the legislature; subsection (b) prescribes the enacting clause of acts of the legislature and subsection (c) provides for the Governor's message to the legislature; subsection (d) sets forth the procedures for executive approval of legislative measures, provides for the Governor's veto, and in certain circumstances for the President's consideration of the bills which the government has vetoed; subsection (e) provides that if the legislature fails to pass certain appropriation bills, the sums appropriated in the last preceding appropriation bill shall be deemed to be reappropriated; subsection (f) provides a journal of legislative proceedings to be kept and published; and subsection (g) for the transmission within 15 days of the laws enacted by the legislature to the Secretary of the Interior and subsequently to the Congress.

Section 10 provides for elections every 2 years beginning on November 2, 1954, and for the termination of functions of the municipal councils of St. Thomas and St. John, and of St. Croix, on January 10, 1955.

Section 11 vests executive power in the Governor of the Virgin Islands, to be appointed by the President and to exercise his powers

under the supervision of the Secretary of the Interior. The Governor shall reside in St. Thomas during his official incumbency. This section likewise defines the functions and powers of the Governor and provides that except as otherwise expressly stipulated he shall appoint the officers and employees of the executive branch of the government of the Virgin Islands.

Section 12 provides for the appointment of a government secretary who shall reside in St. Croix during the official incumbency. This section also describes the secretary's primary functions and his collateral duties as administrator for St. Croix.

Section 13 provides that in the event of disability or temporary absence of the Governor, the government secretary shall act in his stead.

Section 14 provides that in the event of disability or temporary absence of both the Governor and the government secretary, the Secretary of the Interior may designate the head of an executive department of the government of the Virgin Islands to act as Governor.

Section 15, in subsection (a), provides for the reorganization, by the Governor, of the executive branch of the Virgin Islands into six executive departments and generally prohibits the creation of additional executive departments; subsection (b) provides for the periodic examination by the Governor of the organization of the executive branch; and in subsection (c) provides for the appointment of the heads of the executive department by the Governor, with the advice and consent of the legislature.

Section 16, subsection (a), provides for the appointment by the Secretary of the Interior of a government comptroller, who has been nominated by the Comptroller General of the United States. He shall hold office for 10 years, shall not be eligible for reappointment, and shall receive an annual salary of \$12,500. Subsections (b) through (g) describe the powers and duties of the government comptroller; subsection (h) provides that the government comptroller's decisions shall be final except for an appeal to the Governor; and subsection (i) provides for a further appeal to the legislature or to the District Court of the Virgin Islands under certain circumstances. Subsection (j) provides that the government comptroller may communicate directly with persons or departments having claims or government business with him. Subsections (k) and (l) provide for reports to be submitted by the government comptroller and subsection (m) provides that the government comptroller shall be under the general supervision of the Governor of the Virgin Islands but shall not be incorporated into any executive department of the government of the Virgin Islands.

Section 17 states that a system of accounts for the Virgin Islands shall be prescribed by the Comptroller General of the United States.

Section 18 provides that the fiscal transactions and accounts, including special and trust funds, of the Virgin Islands shall be subject to review annually by the Comptroller General of the United States and report thereon by him to the Governor, the Secretary of the Interior, and Congress.

Section 19 (a) provides that the payment of the Governor's salary shall be in accordance with existing law; subsection (b) provides for the establishment by the Secretary of the Interior of rates of salaries for others in the executive branch of the Virgin Islands; and sub-

section (c) provides for the payment of the salaries of the Governor, the government secretary, and members of their immediate staffs by the United States and those of the government comptroller and the heads of the executive departments by the government of the Virgin Islands.

Section 20 vests the judicial power of the Virgin Islands in the District Court of the Virgin Islands and in inferior courts created by local law.

Section 21 provides that the District Court of the Virgin Islands shall have the jurisdiction of a district court of the United States as well as certain local jurisdiction, both original and appellate.

Section 22 provides that the inferior courts shall have jurisdiction concurrent with the district court of civil actions in which the matter in controversy does not exceed \$500 and in criminal cases in which the maximum punishment which might be imposed does not exceed a fine of \$500 or 6 months imprisonment or both.

Section 23 provides for the appointment by the President with the consent of the Senate of a judge of the District Court of the Virgin Islands to hold office for 8 years, and for the temporary assignment of judges to the District Court of the Virgin Islands. It also provides for the appointment of a marshal for the Virgin Islands to be appointed by the Attorney General of the United States.

Section 24 provides for two judicial positions and for the holding of sessions of the district court in both.

Section 25 guarantees the right to trial by jury in criminal actions to those who demand it.

Section 26 provides for the appointment by the President with the consent of the Senate of a United States district attorney and for the appointment by the Attorney General of the United States of an assistant district attorney. It also outlines the duties of these officials.

Section 27, subsection (a), provides that the proceeds of customs duties, United States income taxes, other taxes levied by Congress, and certain other fees, less the cost of collection, shall be covered into the treasury of the Virgin Islands. Taxes collected in connection with the old-age and survivors insurance program are specifically exempt. Subsection (b) provides that the Secretary of the Treasury shall determine annually the amount of taxes collected under the Federal internal revenue laws with respect to articles produced in the Virgin Islands and transported to the United States. From this amount there shall be paid to the government of the Virgin Islands a sum equal to the amount of revenue collected during the same years by the government of the Virgin Islands. Such sum would be available for expenditure as the territorial legislature, with the approval of the President, may determine. For the fiscal years 1955 and 1956 the remainder of the amount collected under Federal internal revenue laws on Virgin Islands products sent to the United States or the sum of \$1 million, whichever is greater, shall also be paid to the Government of the Virgin Islands. Such sums are to be expended only for such emergency purposes or for such public projects as the President approves. If funds for such emergency purposes or public projects are not expended during the fiscal year, they remain available for subsequent expenditure, but they cannot exceed \$5 million at the end of any fiscal year. Subsection (c) provides that

certain sections of the Tariff Act of 1950 and of the Trademark Act of 1946 relating to the importation into the United States of goods of foreign manufacture, which bear trade-marks registered in the United States, shall not apply to the Virgin Islands. Subsection (d) provides that articles which are the growth, product, or manufacture of the Virgin Islands or which do not contain foreign materials to a value of more than 50 percent of their total value may be admitted into the United States free of customs duty.

Section 28 provides that officials of the Virgin Islands government shall be citizens of the United States and that they shall take the loyalty oath set forth in the organic act in this section.

Section 29 provides generally that matters pertaining to the government of the Virgin Islands, except for the judiciary, shall be placed under the jurisdiction of the Secretary of the Interior.

Section 30 (a) authorizes the Secretary of the Interior to lease or sell excess property of the United States under his administrative supervision in the Virgin Islands. Subsection (b) provides that the government of the Virgin Islands shall have control over all public property that is under its control on the date of the enactment of this act.

Section 31 provides an amendment to the Animal Quarantine Act so that cattle which have been infested with or exposed to ticks, but are now free from them, may be admitted into the Virgin Islands under such regulations as the Secretary of Agriculture may prescribe.

Section 32 amends a statute pertaining to poultry quarantine to provide that the Secretary of Agriculture cannot issue regulations or take measures with respect to the introduction of live poultry into the Virgin Islands.

Section 33 establishes an orderly procedure under which the provisions of this act shall supersede existing law.

Section 34 repeals the existing Organic Act of 1936 and any other provisions of law inconsistent with the newly revised act.

REPORTS OF EXECUTIVE AGENCIES

The reports from the Department of the Interior and the Department of State are set forth below:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., May 7, 1953.

HON. JOSEPH W. MARTIN,
Speaker of the House of Representatives,
Washington 25, D. C.

MY DEAR MR. SPEAKER: Enclosed herewith is a draft of a proposed bill to revise the Organic Act of the Virgin Islands of the United States. I request that this proposed bill be referred to the appropriate committee for consideration, and I recommend that it be enacted.

Since the enactment in 1936 of the Organic Act of the Virgin Islands of the United States (49 Stat. 1807; 48 U. S. C., 1946 edition, see. 1405 et seq.), the Congress has made no amendment to the act which modifies it in any substantial respect. This proposed bill would reenact many provisions of the existing organic act in substantially their present form. It would also, however, put into effect certain fundamental changes in the existing organizational framework of the government of the Virgin Islands. For the sake of brevity, the following analysis and discussion of this proposed bill is limited to the more significant changes which it would make in the present organic act, and to the more important additions.

Section 5 of the bill would establish a unicameral legislature, to be known as the Legislature of the Virgin Islands, composed of 11 members, to be known as representatives. Two members would be elected by the qualified voters of the district of St. Thomas; 2 members would be elected by the qualified voters of the district of St. Croix; and 1 member would be elected by the qualified voters of the district of St. John. The other six members would be representatives at large and would be elected by the qualified voters of the Virgin Islands from the Virgin Islands as a whole. In balloting for representatives at large each elector would be entitled to vote for only one candidate.

Section 6 of the bill provides that the term of each representative shall be 4 years, except that in the first election held, 1 representative from St. Thomas, 1 representative from St. Croix, and 3 representatives at large would be elected for 2-year terms. Provision is also made in this section for the payment of a per diem of \$15 to each member of the legislature for each day's attendance while the legislature is in session. An additional per diem and travel allowance would be paid, in accordance with the provisions of the Travel Expense Act of 1949, to each member who is attending a session of the legislature which is away from the island of his residence. The compensation and allowances of the members of the legislature would be paid by the government of the Virgin Islands.

Section 7 of the bill directs that regular sessions of the legislature shall be held annually for a period or periods which shall not exceed 60 days in the aggregate. The Governor may call special sessions, when in his opinion the public interest may require them, except that no special session may exceed 15 calendar days and the aggregate of such special sessions in any one calendar year may not exceed 30 calendar days. Legislation to be considered at any special session would be limited to that specified by the Governor in the call for the special session or in any special message by the Governor to the legislature while in special session.

Section 8 (c) provides for appointment by the President of a seven-man commission to survey the field of Federal statutes and to make recommendations to the Congress within the period of a year after enactment of the bill, concerning the statutes of the United States not applicable to the Virgin Islands which should be made applicable, and the statutes of the United States applicable to the Virgin Islands which should be declared inapplicable. Section 8 (d) directs the Governor of the Virgin Islands to arrange for the codification of the laws of the Virgin Islands.

Section 10 provides that the next general election in the Virgin Islands shall be held on November 2, 1954, to elect the entire membership of the legislature, and that subsequent elections shall be held biennially. The Municipal Council of St. Thomas and St. John, and the Municipal Council of St. Croix would continue to function until January 1, 1955, at which time all of the functions, property, personnel, records, and unexpended balances of appropriations of the governments of these municipalities would be transferred to the government of the Virgin Islands.

Section 14 provides that in the event of the absence or disability of the Governor and the government secretary, or in case of a vacancy in those offices, the Secretary of the Interior may designate the head of an executive department of the government of the Virgin Islands to exercise the powers of the Governor.

Section 15 (a) would require the Governor, within 1 year after the approval of this proposed bill, to reorganize and consolidate the existing executive departments, independent boards, agencies, authorities, commissions, and other instrumentalities of the government of the Virgin Islands or of the municipal governments into not more than nine executive departments, except for independent bodies whose existence may be required for participation in Federal programs and agencies which are temporary or advisory in nature. Section 15 (b) directs the Governor, from time to time, to examine the organization of the executive branch of the government of the Virgin Islands and to make such changes, not inconsistent with the other provisions of this proposed bill, as may be necessary to promote effective management. Section 15 (c) provides that the heads of the executive departments shall be appointed by the Governor, with the advice and consent of the legislature.

Section 16 provides for appointment of an auditor by the Governor, with the advice and consent of the legislature, to serve for a period of 6 years. Among the duties to be performed by the auditor are the following: To audit and settle all accounts and claims pertaining to the revenues and receipts of the government of the Virgin Islands; to audit and settle all expenditures of funds and property of the government of the Virgin Islands; to issue, with the approval of the Governor, rules and regulations to govern methods of accounting for public funds and

property to submit to the Governor an annual fiscal report showing the receipts and disbursements of the various departments and agencies of the government; and to make such other reports as may be required by the Governor, the Comptroller General of the United States, or the Secretary of the Interior. Decisions of the auditor are to be final, with the right of appeal to the Governor.

Section 17 (a) provides that the Governor of the Virgin Islands shall receive an annual salary at the rate provided for governors of Territories in the Executive Pay Act of 1949. Section 17 (b) prescribes that the government secretary, the heads of the executive departments, the auditor, and the members of the immediate staffs of the Governor and the government secretary shall receive annual salaries at rates established by the Secretary of the Interior pursuant to the standards provided by the Classification Act of 1949. Section 17 (c) provides that the salaries of the Governor, the government secretary, and the members of their immediate staffs shall be paid by the United States, and that the salaries of the auditor and the heads of the executive departments shall be paid by the government of the Virgin Islands.

Sections 18 through 24 relate to the judicial branch of the government of the Virgin Islands. The text of these sections, for the most part, has been proposed by Judge Albert B. Maris, Chairman of the Committee on Revision of the Judicial Code appointed by the Chief Justice for the Judicial Conference of the United States. These sections, following the pattern set by the Guam Organic Act, would simplify and modernize the judiciary provisions of the present Organic Act of the Virgin Islands. They would, moreover, implement certain recommendations of the Judicial Conference of the United States made at its September 1950 meeting. Among these recommendations was that the 4-year term of the judge of the District Court of the Virgin Islands be lengthened to 8 years.

Section 25 provides for the election by the people of the Virgin Islands of a Resident Commissioner to represent them in the Congress. The first Resident Commissioner would be chosen at the general election in November 1954. The term of office of the Resident Commissioner would be 4 years.

Section 26 (b) provides for the return to the government of the Virgin Islands, beginning with the fiscal year ending June 30, 1954, of the internal revenue taxes collected on articles produced in the Virgin Islands and transported to the United States.

Section 32 would specifically repeal the present Organic Act of the Virgin Islands.

One of the most significant benefits that would result from the enactment of this proposed bill is the consolidation and unification of the two municipal governments of the Virgin Islands into a single governmental organization serving the islands as a whole. The substitution of a single unicameral legislative body for the existing two municipal councils would correct inadequacies which have long been apparent in the structure of the Virgin Islands government. The substitution of a single executive branch for the present diffusion of executive functions would serve a like end. More effective and efficient administration should result from the elimination of the present duplication of governmental agencies in each municipality. The return to the treasury of the Virgin Islands of the proceeds of the internal revenue taxes, as provided for in the bill, would make possible an increased measure of local self-government for the people of the Virgin Islands. The enactment of this provision should help to make the government of the Virgin Islands more self-sufficient and should obviate the need for it to come to the Congress for annual deficit appropriations. The representation in the Congress which would be afforded the people of the Virgin Islands by the election of a Resident Commissioner to the Congress would provide a more effective and responsive method of bringing to the attention of the Congress the needs and aspirations of the people of the Virgin Islands. Finally, the simplification and modernization of the judiciary provisions of the organic act, which would be accomplished through the enactment of this proposed bill, should result in an improvement in the administration of justice in the Virgin Islands.

The Bureau of the Budget has advised that there is no objection to the submission of his proposed legislation to the Congress.

Sincerely yours,

DOUGLAS MCKAY,
Secretary of the Interior.

DEPARTMENT OF STATE,
Washington, June 17, 1953.

Hon. A. L. MILLER,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives.*

MY DEAR MR. MILLER: Further reference is made to your letter of May 28, 1953, which transmitted for the Department's study and report a copy of H. R. 5181, a bill to revise the Organic Act of the Virgin Islands of the United States.

The Department has examined this bill from the standpoint of the foreign policy of the United States and from this point of view perceives no objections to the provisions contained therein. The Department considers that the adoption of this organic act would be in conformity with the traditional policies of the United States to promote the development of an increasing measure of self-government in territories under its administration. In this connection the Department especially notes the provision for the establishment of legislative powers in a central Legislature of the Virgin Islands and the creation of the office of Resident Commissioner to the United States. Such action by the United States to develop further the self-governing institutions of a territory under its administration serves to support the objectives of American foreign policy and to strengthen the position of the United States in international affairs.

The Department has been informed by the Bureau of the Budget that there is no objection to the submission of this report.

Sincerely yours,

THRUSTON B. MORTON,
Assistant Secretary
(For the Secretary of State).

CONCLUSION

The Committee on Interior and Insular Affairs is unanimously of the opinion that enactment of H. R. 5181 would be in the best interests of the people of the Virgin Islands and of the people of the United States as a whole. It would confer greater responsibilities, and a higher degree of self-government, both economic and political, upon the Virgin Islands. At the same time, it would eliminate much wasteful duplication and inefficiency in the local government, and would be a significant step forward toward greater self-sufficiency and a still higher degree of self-government.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, H. R. 5181, are shown below. The provisions of H. R. 5181 are set forth in the left-hand column, opposite the provisions of existing laws which would be amended or repealed thereby. Unless otherwise indicated, the sections set forth in the right-hand column are from the act of June 22, 1936 (49 Stat. 1807), as amended (48 U. S. C., sec. 1405 et seq.).

H. R. 5181

EXISTING LAW

Act of June 22, 1936 (49 Stat. 1807) as amended (48 U. S. C., sec. 1405 et seq.).

SEC. 1. That this Act may be cited as the "Revised Organic Act of the Virgin Islands".

SEC. 2. (a) The provisions of this Act, and the name "Virgin Islands" as used in this Act, shall apply to and include the territorial domain, lands, cays, and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. 1706).

(b) The government of the Virgin Islands shall have the powers set forth in this Act and shall have the right to sue by such name, and in cases arising out of contract, to be sued: *Provided*, That no tort action shall be brought against the government of the Virgin Islands or against any officer or employee thereof in his official capacity without the consent of the legislature constituted by this Act.

The capital and seat of government of the Virgin Islands shall be located at the city of Charlotte Amalie, in the island of Saint Thomas.

SEC. 41. This Act may be cited as the Organic Act of the Virgin Islands of the United States.

SEC. 1. That the provisions of this Act, and the name "the Virgin Islands" as used in this Act, shall apply to and include the territorial domain, lands and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. L. 1706).

SEC. 2. The insular possession which is the Virgin Islands shall be divided into two municipalities, namely, (1) the municipality of Saint Croix and (2) the municipality of Saint Thomas and Saint John. The boundaries of said municipalities shall be the same as at present established in accordance with laws in force on the date of enactment of this Act, and the capital and seat of the central government shall be Saint Thomas. In this Act the phrase "the Government of the Virgin Islands" shall include, in addition to the governing authority of the insular possession, the governing authority of the two municipalities, unless the context shall indicate a different intention.

SEC. 3. The inhabitants of the municipality of Saint Croix and of the municipality of Saint Thomas and Saint John are hereby constituted into bodies politic and juridic, under the present name of each such municipality, and as such bodies they shall have perpetual succession and power (a) to adopt and use an official seal; (b) to sue and in cases arising out of contract to be sued; (c) to demand the fulfillment of obligations under the law and to defend and prosecute all actions at law; (d) to acquire property by purchase, exchange, donation or bequest, by virtue of proceedings for the collection of taxes, by eminent-domain proceedings, or by any other means provided by law, and to possess, administer, and govern such property; and (e) to alienate or encumber any of their property, subject to the provisions of this Act.

BILL OF RIGHTS

SEC. 3. No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to

BILL OF RIGHTS

SEC. 34. No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to

H. R. 5181

EXISTING LAW

any person therein equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to be represented by counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence against himself; nor shall any person sit as judge or magistrate in any case in which he has been engaged as attorney or prosecutor.

All persons shall be bailable by sufficient sureties in the case of criminal offenses, except for first-degree murder or any capital offense when the proof is evident or the presumption great.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned or shall suffer forced labor for debt.

All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

No ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken for public use except upon payment of just compensation ascertained in the manner provided by law.

The right to be secure against unreasonable searches and seizures shall not be violated.

No warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Slavery shall not exist in the Virgin Islands.

Involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted by a court of law, shall not exist in the Virgin Islands.

No law shall be passed abridging the freedom of speech or of the press or the right of the people peaceably to assemble and petition the Government for the redress of grievances.

any person therein equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to be represented by counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence against himself; nor shall any person sit as judge or magistrate in any case in which he has been engaged as attorney or prosecutor.

All persons shall be bailable by sufficient sureties in the case of criminal offenses, except for first-degree murder or any capital offense when the proof is evident or the presumption great.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned or shall suffer forced labor for debt.

All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

No ex-post-facto law or bill of attainder shall be enacted.

Private property shall not be taken for public use except upon payment of just compensation ascertained in the manner provided by law.

Nothing contained in this Act shall be construed to limit the power of the municipal councils herein provided to enact laws for the protection of life, the public health, or the public safety.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

The right to be secure against unreasonable searches and seizures shall not be violated.

No warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Slavery shall not exist in the Virgin Islands.

Involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall not exist in the Virgin Islands.

No law shall be passed abridging the

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No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and no political or religious test other than an oath to support the Constitution and the laws of the United States applicable to the Virgin Islands, and the laws of the Virgin Islands, shall be required as a qualification to any office or public trust under the government of the Virgin Islands.

No money shall be paid out of the treasury except in accordance with an Act of Congress or money bill of the legislature and on warrant drawn by the proper officer.

The contracting of polygamous or plural marriages is prohibited.

The employment of children under the age of sixteen years in any occupation injurious to health or morals or hazardous to life or limb is prohibited.

Nothing contained in this Act shall be construed to limit the power of the legislature herein provided to enact laws for the protection of life, the public health, or the public safety.

FRANCHISE

SEC. 4. The franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, twenty-one years of age or over. Additional qualifications may be prescribed by the legislature: *Provided, however,* That no property, language, or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

LEGISLATIVE BRANCH

SEC. 5. (a) The legislative power and authority of the Virgin Islands shall be vested in a legislature, consisting of one house, to be designated the "Legislature of the Virgin Islands", herein referred to as the legislature.

(b) The legislature shall be composed of eleven members to be known as senators. Two senators shall be elected by the qualified electors of the District of Saint Thomas; two senators shall be

freedom of speech or of the press or the right of the people peaceably to assemble and petition the government for the redress of grievances.

No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and no political or religious test other than an oath to support the Constitution and the laws of the United States applicable to the Virgin Islands, and the laws of the Virgin Islands, shall be required as a qualification to any office or public trust under the Government of the Virgin Islands.

The contracting of polygamous or plural marriages is prohibited.

No money shall be paid out of the treasury except in accordance with an Act of Congress or money bill of the local legislative authority having jurisdiction and on warrant drawn by the proper officer.

The employment of children under the age of fourteen years in any occupation injurious to health or morals or hazardous to life or limb is hereby prohibited.

FRANCHISE

SEC. 17. Beginning on January 1, 1938, or on such earlier date subsequent to January 1, 1937, as may be fixed by local law or ordinance for either municipality, and thereafter, the franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, twenty-one years of age or over, and able to read and write the English language. Additional qualifications may be prescribed by the legislative assembly: *Provided, however,* That no property or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

LEGISLATIVE BRANCH

SEC. 5. All local legislative powers in the municipality of Saint Croix, except as herein otherwise provided, shall be vested in a local legislative assembly, which shall be designated the "Municipal Council of Saint Croix." Said council shall consist of nine members elected by the qualified electors of the municipality for a term of two years beginning the 1st day of January next succeeding the date of election. The members shall

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elected by the qualified electors of the District of Saint Croix; and one senator shall be elected by the qualified electors of the District of Saint John; which districts are hereby established. The other six senators shall be senators at large and shall be elected by the qualified electors of the Virgin Islands from the Virgin Islands as a whole: *Provided*, That in the election of senators at large, each elector shall be entitled to vote for four candidates, and the candidates receiving the largest number of votes shall be declared elected up to the number to be elected at that election. The order of names upon the ballot shall be determined by lot among the candidates.

SEC. 6. (a) The term of office of each member of the legislature shall be two years. The term of office of each member shall commence on the second Monday in January following his election.

(b) No person shall be eligible to be a member of the legislature who is not a citizen of the United States, who has not attained the age of twenty-five years, who is not a qualified voter in the Virgin Islands, who has not been a bona fide resident of the Virgin Islands for at least three years next preceding the date of his election, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights. Federal employees and persons employed in the legislative, executive or judicial branches of the government of the Virgin Islands shall not be eligible for membership in the legislature.

(c) All officers and employees charged with the duty of directing the administration of the electoral system of the Virgin Islands and its representative districts shall be appointed in such manner as the legislature may by law direct.

(d) No member of the legislature shall be held to answer before any tribunal other than the legislature for any speech or debate in the legislature and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature and in going to and returning from the same.

(e) Each member of the legislature shall be paid the sum of \$600 annually, one-third on the second Monday in January, one-third on the second Monday in February, and one-third at the close of the regular session. Each member of the legislature who is away from the island of his residence shall also receive the sum of \$10 per day for each day's attendance while the legislature

be elected in four representative districts, two of which shall be the town of Christiansted and the country district thereof, and two of which shall be the town of Frederiksted and the country district thereof, as defined by law in force on the date of enactment of this Act: *Provided*, That two members shall be elected for each of said districts and one member at large.

SEC. 6. All local legislative powers in the municipality of Saint Thomas and Saint John, except as herein otherwise provided, shall be vested in a local legislative assembly which shall be designated the "Municipal Council of Saint Thomas and Saint John." Said council shall consist of seven members elected by the qualified electors of the municipality for a term of two years beginning the 1st day of January next succeeding the date of election. The members shall be elected in three representative districts, one of which shall be the town district and one the country district of Saint Thomas, and one the district of Saint John, as defined by law in force on the date of enactment of this Act: *Provided*, That two members shall be elected for each of the districts of Saint Thomas, one member for the district of Saint John, and two members at large.

SEC. 7. After January 1, 1937, joint sessions of said municipal councils shall constitute and shall be designated the "Legislative Assembly of the Virgin Islands." The legislative assembly shall convene in Saint Thomas upon call by the Governor, and also whenever both municipal councils shall determine by resolutions passed by each of them: *Provided*, That the Governor shall call the legislative assembly at least once during each calendar year. The legislative assembly shall have power to enact legislation applicable to the Virgin Islands as a whole, but no legislation shall be considered other than that specified in the message by the Governor calling such a session, or in both of said resolutions: *Provided further*, That so long as the membership of the legislative assembly does not exceed sixteen members, a quorum of the legislative assembly shall consist of not less than ten members, and no bill shall be enacted until it shall be passed by a two-thirds majority vote of the members present. The municipal councils shall not enact laws or ordinances in conflict with the enactments of the legislative assembly.

SEC. 9. No person shall be eligible to be a member of either municipal council unless he is a citizen of the United States, over twenty-five years of age, is

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is actually in session, in lieu of his expenses for subsistence, and shall be reimbursed for his actual travel expenses in going to and returning from each session, or period thereof, for not to exceed a total of eight round trips during any calendar year. The salaries, per diem, and travel allowances of the members of the legislature shall be paid by the government of the Virgin Islands.

(f) No member of the legislature shall hold or be appointed to any office which has been created by the legislature, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, or during one year after the expiration of such term.

(g) The legislature shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpoena to witnesses and other parties concerned, and administer oaths. The rules of the Legislative Assembly of the Virgin Islands existing on the date of approval of this Act shall continue in force and effect for sessions of the legislature, except as inconsistent with this Act, until altered, amended, or repealed by the legislature.

(h) The judge for the District Court of the Virgin Islands shall fill any vacancy in the office of member of the legislature by appointment from a panel of three names supplied by the legislature. If the vacant office is that of a senator from a district, the person appointed shall be a resident of the district from which the member whose office is vacant was elected. If the vacant office is that of a representative at large, the residence of the person appointed shall not be material. In any case, the person appointed shall serve for the remainder of the unexpired term.

SEC. 7. (a) Regular sessions of the legislature shall be held annually, commencing on the second Monday in January, and shall continue in regular session for not more than sixty consecutive calendar days in any calendar year. The Governor may call special sessions of the legislature at any time when in his opinion the public interests may require it, but no special session shall continue longer than fifteen calendar days, and the aggregate of such special sessions during any calendar year shall not exceed thirty calendar

a qualified voter of the municipality in which elected, has resided in the Virgin Islands for a period of not less than three years next preceding the date of election, and has not been convicted of a felony or of a crime involving moral turpitude. Each municipal council may exclude from membership therein persons receiving compensation from the Government of the United States or from either of the municipal governments of the Virgin Islands.

SEC. 10. The members of each municipal council shall receive allowance for actual travel expenses and such reasonable subsistence as may be prescribed by the council.

SEC. 11. The respective municipal councils shall be the sole judges of the elections, returns, and qualifications of their members, shall be vested with the authority and attributes inherent in legislative bodies, and shall jointly or separately have the power to institute and conduct investigations, issue subpoenas to witnesses and other parties concerned, and administer oaths. Existing rules of the colonial councils shall continue in force and effect, except as inconsistent with this Act, until altered, amended, or repealed by the respective municipal councils. No member shall be held to answer before any tribunal other than the respective municipal councils themselves for any speech or debate in the municipal councils and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the municipal councils and in going to and returning from the same.

SEC. 12. Each municipal council shall annually appoint from among its members, for a term of one year, three members to serve as a standing committee, which, under the name of the "Municipal Committee", shall advise the Governor concerning the management of the fiscal affairs of the municipality, and concerning matters relating to the municipality. The procedure of the Municipal Committee shall be in accordance with bylaws adopted by the municipal council and approved by the Governor. The Municipal Committee shall have power when granted by local law to recommend to the Governor transfers between items in the annual budgets, and loans from municipal funds, but no such transfers or loans shall be made by the Governor except upon the recommendation of the Municipal Committee.

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days. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session.

(b) Sessions of the legislature shall be held in the capital of the Virgin Islands at Charlotte Amalie, Saint Thomas.

SEC. 8. (a) The legislative authority and power of the Virgin Islands shall extend to all subjects of local application not inconsistent with this Act or the laws of the United States made applicable to the Virgin Islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty or international agreement entered into by the United States, nor shall the lands or other property of nonresidents be taxed at a higher rate than the lands or other property of residents.

(b) The laws of the United States applicable to the Virgin Islands on the date of approval of this Act, including laws made applicable to the Virgin Islands by or pursuant to the provisions of the Act of June 22, 1936 (49 Stat. 1807), and all local laws and ordinances in force in the Virgin Islands on the date of approval of this Act shall, to the extent they are not inconsistent with this Act, continue in force and effect until otherwise provided by the Congress: *Provided*, That the legislature shall have power, when within its jurisdiction and not inconsistent with the other provisions of this Act, to amend, alter, modify, or repeal any local law or ordinance, public or private, civil or criminal, continued in force and effect by this Act, except as herein otherwise provided, and to enact new laws not inconsistent with any law of the United States applicable to the Virgin Islands, subject to the power of Congress to annul any such Act of the legislature.

SEC. 13. Each municipal council shall assemble for ordinary meetings on a certain day of every second month, which day shall be previously fixed by the Governor for the whole year, and for extraordinary meetings at the call of the Governor or the chairman of the council. The Governor may postpone the meetings of the municipal councils, but not for a longer period than fourteen days. The Municipal Council of Saint Thomas and Saint John shall convene at Saint Thomas, and the Municipal Council of Saint Croix shall convene at Christiansted.

SEC. 19. The legislative power of the Virgin Islands shall extend to all subjects of local application not inconsistent with this Act or the laws of the United States made applicable to said islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty entered into by the United States, nor shall the lands or other property of nonresidents be taxed higher than the lands or other property of residents.

SEC. 18. The laws of the United States applicable to the Virgin Islands on the date of enactment of this Act, and all local laws and ordinances in force on such date in the Virgin Islands, not inconsistent with this Act, shall continue in force and effect: *Provided*, That the Municipal Council of Saint Croix and the Municipal Council of Saint Thomas and Saint John, and the legislative assembly, shall have power, when not inconsistent with this Act and within their respective jurisdictions, to amend, alter, modify, or repeal any law of the United States of local application only, or any ordinance, public or private, civil or criminal, continued in force and effect by this Act, except as herein otherwise provided, and to enact new laws and ordinances not inconsistent with this Act and not inconsistent with the laws of the United States hereafter made applicable to the Virgin Islands or any part thereof, subject to the power of the Congress to annul the same. The laws of the United States relating to patents, trade marks, and copyrights, and to the enforcement of rights arising thereunder, shall have the same force and effect in the Virgin Islands as in the continental United States, and the District Court of the Virgin Islands shall have the same jurisdiction in causes arising under such laws as is exercised by United States district courts.

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SEC. 4. (b) Except as otherwise expressly provided, all laws of the United States for the protection and improvement of the navigable waters of the United States shall apply to the Virgin Islands.

(c) No Federal laws levying tonnage duties, light money, or entrance and clearance fees shall apply to the Virgin Islands.

(d) The Legislative Assembly of the Virgin Islands shall have power to enact navigation, boat inspection, and safety laws of local application; but the President shall have power to make applicable to the Virgin Islands such of the navigation, vessel inspection, and coastwise laws of the United States as he may find and declare to be necessary in the public interest, and, to the extent that the laws so made applicable conflict with any laws of local application enacted by the Legislative Assembly, such laws enacted by the Legislative Assembly shall have no force and effect.

(e) Nothing in this Act shall be construed to affect or impair in any manner the terms and conditions of any authorizations, permits, or other powers heretofore lawfully granted or exercised in or in respect of the Virgin Islands by any authorized officer or agent of the United States.

(c) The President of the United States shall appoint a commission of seven persons, at least three of whom shall be residents of the Virgin Islands, to survey the field of Federal statutes and to make recommendations to the Congress within twelve months after the date of approval of this Act as to which statutes of the United States not applicable to the Virgin Islands on such date should be made applicable to the Virgin Islands, and as to which statutes of the United States applicable to the Virgin Islands on such date should be declared inapplicable. The members of the commission shall receive no salary for their service on the commission, but under regulations and in amounts prescribed by the Secretary of the Interior, they may be paid, out of Federal funds, reasonable per diem fees, and allowances in lieu of subsistence expenses, for attendance at meetings of the commission, and for time spent on official business of the commission, and their necessary travel expenses to and from meetings or when upon such official business, without regard to the Travel Expense Act of 1949.

(d) The Secretary of the Interior shall arrange for the preparation, at Federal expense, of a code of laws of the

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Virgin Islands, to be entitled the "Virgin Islands Code", which shall be a consolidation, codification and revision of the local laws and ordinances in force in the Virgin Islands. When prepared, the Governor shall submit it, together with his recommendations, to the legislature for enactment. Upon the enactment of the Virgin Islands Code it and any supplements to it shall be printed, at Federal expense, by the Government Printing Office as a public document.

SEC. 9. (a) The quorum of the legislature shall consist of seven of its members. No bill shall become a law unless it shall have been passed at a meeting at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.

(b) The enacting clause of all acts shall be as follows: "Be it enacted by the Legislature of the Virgin Islands".

(c) The Governor shall submit at the opening of each regular session of the legislature a message on the state of the Virgin Islands and a budget of estimated receipts and expenditures, which shall be the basis of the appropriation bills for the ensuing fiscal year.

(d) Every bill passed by the legislature shall, before it becomes a law, be presented to the Governor. If the Governor approves the bill, he shall sign it. If the Governor disapproves the bill, he shall, except as hereinafter provided, return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him. If the Governor does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and proceed to reconsider the bill. If, after such reconsideration,

SEC. 14. The Governor may introduce bills in the respective municipal councils. The Governor shall submit to the respective municipal councils, at least ninety days before the close of each fiscal year, a budget of estimated receipts and expenditures for the respective municipalities, which shall be the basis for the annual local appropriation bills for such municipalities. He shall from time to time submit to the respective municipal councils such reports concerning the fiscal affairs of the municipalities as may be requested by resolution of either municipal council.

SEC. 15. The quorum of each municipal council shall consist of an absolute majority of all its members. No bill shall become a law until it shall be passed by a majority (yea-and-nay) vote of the members present and voting of the municipal council having jurisdiction, entered upon the journal, and approved by the Governor, except as otherwise herein provided. Each municipal council shall keep a journal of its proceedings and publish the same during the year, and the yeas and nays of the members voting on any question shall be entered on the journal.

SEC. 16. New legislation, and repeals, alterations, and amendments of local laws of the Virgin Islands by the municipal council having jurisdiction, and by the legislative assembly, shall be effective and enforced when, and to the extent, such new legislation, repeals, alterations, and amendments are approved by the Governor, and the Governor shall state specifically in each case whether his approval or disapproval is in whole or in part, and if in part only, what part is approved and what part not approved. The Governor may veto any specific item or items in any bill which appropriates money for specific purposes, but shall veto other bills, if at all, only as a whole. If any bill passed by the municipal council having jurisdiction or by the legislative assembly be disapproved in whole or in part by the Governor, the Governor shall within thirty calendar days return

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two-thirds of all the members of the legislature agree to pass the bill, it shall be presented anew to the Governor. If he then approves it, he shall sign it; if not, he shall within ten days after it has been presented to him transmit it to the President of the United States. If the President approves the bill, he shall sign it. If he disapproves the bill, he shall return it to the Governor, so stating, and it shall not be a law. If the President neither approves nor disapproves the bill within ninety days from the date on which it is transmitted to him by the Governor, the bill shall be a law in like manner as if the President had signed it. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect.

(e) If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payment of the obligations and necessary current expenses of the Government of the Virgin Islands for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item.

(f) The legislature shall keep a journal of its proceedings and publish the same. Every bill passed by the legislature and the yeas and nays on any question shall be entered on the journal.

(g) Copies of all laws enacted by the legislature shall be transmitted within fifteen days of their enactment by the Governor to the Secretary of the Interior and by him annually to the Congress of the United States.

SEC. 10. The next general election in the Virgin Islands shall be held on November 2, 1954. At such time there shall be chosen the entire membership of the legislature as herein provided. Thereafter the general elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1956, and every two years thereafter. The Municipal Council of Saint Thomas and Saint John, and the

such bill to the said municipal council or to the legislative assembly, whether in actual session or not, setting forth his objections. If after reconsideration by the legislative body having jurisdiction two-thirds of all the members of the said body pass such bill or part thereof, it shall be sent to the Governor who, in case he shall not then approve it, shall transmit the same to the President. If the President approves such bill or part of bill, he shall sign it and it shall become law; if he does not approve such bill or part of bill, he shall return it to the Governor, so stating, and it shall not become law. If any bill shall not be returned by the Governor as herein provided within thirty calendar days after it shall have been presented to him the same shall become a law in like manner as if he had signed it. The President shall approve or disapprove an act submitted to him under the provisions of this section within three months from and after its presentation for his approval; and if not acted upon within such time, it shall become a law the same as if it had been specifically approved. All laws enacted by the Municipal Council of Saint Croix, by the Municipal Council of Saint Thomas and Saint John, or by the legislative assembly, shall be reported by the Governor to the Secretary of the Interior, and by him to the Congress, which hereby reserves the power and the authority to annul the same. The laws not annulled shall be published annually as a public document. If at the termination of any fiscal year the appropriation necessary for the support of the municipal government for the ensuing fiscal year shall not have been made, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated, item by item; and until the municipal council of the municipality having jurisdiction shall act in such behalf, the Governor may make the payments and collections necessary for the purpose aforesaid.

SEC. 8. The present colonial councils shall continue to function until January 1, 1937. The next general election in the Virgin Islands shall be held on November 3, 1936. At such election there shall be chosen the entire membership of each municipal council as herein provided. Thereafter the elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1938, and every two years

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Municipal Council of Saint Croix, existing on the date of approval of this Act, shall continue to function until January 10, 1955, at which time all of the functions, property, personnel, records, and unexpended balances of appropriations of the governments of said municipalities shall be transferred to the government of the Virgin Islands.

thereafter. The terms of office of members of the respective colorial councils of the municipalities of Saint Thomas and Saint John and of Saint Croix, whose terms of office under existing law would expire prior to January 1, 1937, are hereby extended to that date.

Section 2, Act of March 3, 1917 (39 Stat. 1132), as Amended (48 U. S. C. sec. 1392)

That until Congress shall otherwise provide, insofar as compatible with the changed sovereignty and not in conflict with the provisions of this Act, the laws regulating elections and the electoral franchise as set forth in the code of laws published at Amalienborg the 6th day of April, 1906, and the other local laws, in force and effect in said islands on this 17th day of January, 1917, shall remain in force and effect in said islands, and the same shall be administered by the civil officials and through the local judicial tribunals established in said islands, respectfully; and the orders, judgments, and decrees of said judicial tribunals shall be duly enforced. With the approval of the President, or under such rules and regulations as the President may prescribe, any of said laws may be repealed, altered, or amended by the colonial council having jurisdiction. The jurisdiction of the judicial tribunals of said islands shall extend to all judicial proceedings and controversies in said islands to which the United States or any citizen thereof may be a party.

Act of June 22, 1936 (49 Stat. 1807) as amended (48 U. S. C., sec. 1405 et seq.)

SEC. 11. The executive power of the Virgin Islands shall be vested in an executive officer whose official title shall be the "Governor of the Virgin Islands", and shall be exercised under the supervision of the Secretary of the Interior. The Governor of the Virgin Islands shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President and until his successor is chosen and qualified. The Governor shall reside in Saint Thomas during his official incumbency. He shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of the Virgin Islands. He may grant pardons and reprieves and remit fines

SEC. 20. The executive power of the Virgin Islands and of the municipalities thereof shall be vested in an executive officer whose title shall be "the Governor of the Virgin Islands" and shall be exercised under supervision of the Secretary of the Interior. The Governor shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President and until his successor is chosen and qualified. The Governor shall reside in the Virgin Islands during his official incumbency. He shall have general supervision and control of all executive and administrative departments, bureaus, and offices of the Government of the Virgin Islands. He shall faithfully execute the laws of the United States applicable to the

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and forfeitures for offenses against the local laws, and may grant respites for all offenses against the laws of the United States applicable in the Virgin Islands until the decision of the President can be ascertained. He may veto any legislation as provided in this Act. He shall appoint all officers and employees of the executive branch of the Government of the Virgin Islands, except as otherwise provided in this or any other Act of Congress, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Virgin Islands and the laws of the United States applicable in the Virgin Islands. Whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia, to prevent or suppress violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the islands, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon made known. He shall annually, and at such other times as the President or the Congress may require, make official report of the transactions of the government of the Virgin Islands to the Secretary of the Interior, and his said annual report shall be transmitted to the Congress. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President, or by the Secretary of the Interior. He shall have the power to issue executive regulations not in conflict with any applicable law. He may attend or may designate another person to represent him at the meetings of the legislature, may give expression to his views on any matter before that body, and may recommend bills to the legislature.

Virgin Islands, and the laws and ordinances of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and may grant respites for all offenses against the applicable laws of the United States until the decision of the President can be ascertained. He may veto any legislation as provided in this Act. He shall commission all officers that he may be authorized to appoint. He may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia, to prevent or suppress violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the islands, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon made known. He shall annually, and at such other times as the President or the Congress may require, make official report of the transactions of the Government of the Virgin Islands to the Secretary of the Interior, and his said annual report shall be transmitted to the Congress. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President, or by the Secretary of the Interior. He shall have the power to issue executive regulations not in conflict with any applicable law or ordinance. He may attend or may depute another person to represent him at the meetings of the legislative authorities herein established, and may give expression to his views on any matter before such bodies.

SEC. 24. The Governor shall appoint, by and with the advice and consent of the municipal council having jurisdiction, all salaried officers and employees of the municipal governments whose salaries are provided for in the budgets of the municipal governments. In the event of a vacancy in any appointive office under the Government of the Virgin Islands, or the absence, illness, or temporary disqualification of any appointive officer, the Governor shall designate an officer or employee of the Government of the Virgin Islands to discharge the functions of such officer during such vacancy, absence, illness, or temporary disqualification.

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Section 1, Act of March 3, 1917 (39 Stat. 1132; 48 U. S. C., sec. 1391)

That, except as hereinafter provided, all military, civil, and judicial powers necessary to govern the West Indian Islands acquired from Denmark shall be vested in a governor and in such person or persons as the President may appoint, and shall be exercised in such manner as the President shall direct until Congress shall provide for the government of said islands: *Provided*, That the President may assign an officer of the Army or Navy to serve as such governor and perform the duties appertaining to said office: *Provided, further*, That the governor of the said islands shall be appointed by and with the advice and consent of the Senate: *And provided further*, That the compensation of all persons appointed under this Act shall be fixed by the President.

Act of June 22, 1936 (49 Stat. 1807) as amended (48 U. S. C., sec. 1405 et seq.)

SEC. 12. The President shall appoint a Government Secretary for the Virgin Islands, who shall reside in Saint Croix during his official incumbency. He shall have custody of the seal of the Virgin Islands and shall countersign and affix such seal to all executive proclamations and all other executive documents. He shall record and preserve the laws enacted by the legislature. He shall promulgate all proclamations and orders of the Governor and all laws enacted by the legislature. He shall have such executive powers and perform such other duties as may be assigned to him by the Governor. He shall also serve as the Administrator for Saint Croix, without additional compensation, and in that capacity shall act for the Governor in the administration of the affairs of Saint Croix.

SEC. 21. The President shall appoint a Government Secretary for the Virgin Islands, who shall have all the powers of the Governor in the case of a vacancy or temporary removal, resignation, or disability of the Governor, or in case of his temporary absence. He shall have custody of the seal of the Virgin Islands and shall countersign and affix such seal to all executive proclamations and all other executive documents. He shall, when practicable, attend all meetings of the Municipal Council of Saint Thomas and Saint John, before which body he shall give expression to the advice of the Governor. He shall record and preserve the laws enacted by the legislative authorities herein established. He shall promulgate all proclamations and orders of the Governor and all laws enacted by said legislative authorities. He shall have all such executive powers and perform such other duties as may be prescribed by law or assigned to him by the Governor.

SEC. 22. The Secretary of the Interior shall appoint an Administrator for Saint Croix, who shall act for the Governor in the administration of the affairs of the municipality of Saint Croix. He shall, when practicable, attend all meetings of the Municipal Council of Saint Croix, before which body he shall give expression to the advice of the Governor. He shall exercise supervision over all administrative departments in the municipality of Saint Croix, subject to the direction of the Governor.

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SEC. 23. The Secretary of the Interior shall appoint such other executive and administrative officers as may, in his discretion, be required. Such officers shall have such powers and duties as may be conferred or imposed upon them by law or ordinance, or by order of the Secretary of the Interior or executive regulation of the Governor not inconsistent with any such law or ordinance. The salary of all executive officers and employees appointed by the President or by the Secretary of the Interior shall be paid from funds appropriated for the Government of the Virgin Islands by the Congress in annual appropriation bills, or as may be otherwise provided by law. The officers appointed by the Secretary of the Interior shall hold office during his pleasure, and in making such appointments the Secretary shall give due consideration to natives of the Virgin Islands.

SEC. 13. In case of a vacancy in the office of Governor or the disability or temporary absence of the Governor, the government secretary shall have all the powers of the Governor.

SEC. 14. The Secretary of the Interior may from time to time designate the head of an executive department of the government of the Virgin Islands to act as Governor in the case of a vacancy in the offices, or the disability or temporary absence, of both the Governor and the government secretary, and the person so designated shall have all the powers of the Governor for so long as such condition continues.

SEC. 15. (a) The Governor shall, within one year after the date of approval of this Act, reorganize and consolidate the existing executive departments, bureaus, independent boards, agencies, authorities, commissions, and other instrumentalities of the government of the Virgin Islands or of the municipal governments, except for independent bodies whose existence may be required by Federal law for participation in Federal programs, into the following executive departments: a department of finance, the head of which shall be designated as the treasurer; a department of public works, the head of which shall be designated as the commissioner of public works; a department of education, the head of which shall be designated as the commissioner of education; a department of commerce and industry, the head of which shall be designated as the commissioner of commerce and industry; a department of health and welfare, the head of which shall be designated as the commissioner of health and welfare; and a department

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of agriculture and labor, the head of which shall be designated as the commissioner of agriculture and labor. No other department, bureau, independent board, agency, authority, commission, or other instrumentality shall be created, organized, or established by the Governor or the legislature, without the prior approval of the Secretary of the Interior, unless required by Federal law for participation in Federal programs.

(b) The Governor shall, from time to time, examine the organization of the executive branch of the government of the Virgin Islands, and shall make such changes therein, not inconsistent with this Act, as he determines are necessary to promote effective management and to execute faithfully the purposes of this Act and the laws of the Virgin Islands.

(c) The heads of the executive departments created by this Act shall be appointed by the Governor, with the advice and consent of the legislature. Each shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is appointed and qualified, unless sooner removed by the Governor. Each shall have such powers and duties as may be prescribed by the legislature.

SEC. 16. (a) The Secretary of the Interior shall appoint a government comptroller who shall be nominated by the Comptroller General of the United States and who shall receive a salary of \$12,500 per annum. The government comptroller shall hold office for a term of ten years and until his successor is appointed and qualified, unless sooner removed by the President for cause. The government comptroller shall not be eligible for reappointment.

(b) The government comptroller shall establish and maintain appropriate general accounts for revenues and receipts accrued, and collected or abated, for the bonded indebtedness of the Virgin Islands, for the cash with accountable officers and for appropriations and property of the government of the Virgin Islands and accounts pertaining to the funds and property held in trust by the government or any of its branches.

(c) The jurisdiction of the government comptroller over the accounts whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive.

(d) He shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the methods of accounting for public funds and property, and funds and property held in trust by the government or any of its branches.

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(e) The government comptroller shall examine, adjust, decide, audit, and settle all accounts and claims pertaining to the revenues and receipts from whatever source of the government of the Virgin Islands and of funds derived from bond issues; and he shall examine, audit, and settle, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands including those pertaining to trust funds held by the government of the Virgin Islands.

(f) It shall be the duty of the government comptroller to bring to the attention of the proper administrative officer failures to collect amounts due the government, and expenditures of funds or property which in his opinion are extravagant, excessive, unnecessary, or irregular.

(g) It shall be the duty of the government comptroller to certify to the Secretary of the Interior the net amount of government revenues which form the basis for Federal grants for the civil government of the Virgin Islands.

(h) The decisions of the government comptroller shall be final except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year from the date of the decision, to the Governor, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken with the reasons and the authorities relied upon for reversing such decision.

(i) If the Governor confirms the decision of the government comptroller, then relief may be sought by appeal to the legislature or to the District Court of the Virgin Islands.

(j) The government comptroller shall, except as may be otherwise provided, have like authority as that conferred by law on the Comptroller General of the United States, and is authorized to communicate directly with any person having claims before him for settlement, or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

(k) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of the Virgin Islands an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government, classified according to municipalities.

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(l) The government comptroller shall make such other reports as may be required by the Governor of the Virgin Islands, the Comptroller General of the United States, or the Secretary of the Interior.

(m) The office of the government comptroller shall be under the general supervision of the Governor, but shall not be a part of any executive department in the government of the Virgin Islands.

SYSTEM OF ACCOUNTS

SEC. 17. The system of accounts for the government of the Virgin Islands shall be prescribed by the Comptroller General of the United States.

SEC. 18. The fiscal transactions and accounts of the government of the Virgin Islands, including special and trust funds administered by the government of the Virgin Islands shall be subject to review annually by the Comptroller General of the United States, and report thereon shall be made by him to the Governor, the Secretary of the Interior, and to the Congress.

SEC. 19. (a) The Governor shall receive an annual salary at the rate provided for Governors of Territories and possessions in the Executive Pay Act of 1949.

(b) The Government Secretary, the heads of the executive departments, and the members of the immediate staffs of the Governor and the Government Secretary, shall receive annual salaries at rates established by the Secretary of the Interior in accordance with the standards provided in the Classification Act of 1949.

(c) The salaries of the Governor, the Government Secretary, and the members of their immediate staffs shall be paid by the United States. The salaries of the government comptroller and the heads of the executive departments shall be paid by the government of the Virgin Islands; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor.

JUDICIAL BRANCH

SEC. 20. The judicial power of the Virgin Islands shall be vested in a court of record to be designated the "District Court of the Virgin Islands," and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by local law.

JUDICIAL BRANCH

SEC. 25. The judicial power of the Virgin Islands shall be vested in a court to be designated "the District Court of the Virgin Islands" and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by local law: *Provided*, That the legislative assembly may provide for the organization and conduct of a Superior Court of the Virgin Islands and may transfer from the district court to such

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SEC. 21. The District Court of the Virgin Islands shall have the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties, and laws of the United States. It shall have general original jurisdiction in all civil actions arising under the local law in force in the Virgin Islands wherein the matter in controversy exceeds the sum or value of \$500, exclusive of interest and costs. It shall have general original jurisdiction in all criminal cases involving offenses against the local law in force in the Virgin Islands where the minimum punishment which may be imposed exceeds a fine of \$100 or imprisonment for six months or both. The district court shall also have appellate jurisdiction to review the judgments and orders of the inferior courts of the Virgin Islands to the extent now or hereafter prescribed by local law.

Superior Court jurisdiction over any or all causes other than those arising under the laws of the United States. Appeals from the Superior Court shall be as provided by law in the case of appeals from the district court.

SEC. 28. The District court shall have jurisdiction of—

(1) All criminal cases under the laws of the United States applicable to the Virgin Islands;

(2) All cases in equity;

(3) All cases in admiralty;

(4) All cases of divorce and annulment of marriage;

(5) All cases at law involving principal sums exceeding \$200;

(6) All cases involving title to real estate;

(7) All appeals from judgments rendered in the inferior courts;

(8) All matters and proceedings not otherwise hereinbefore provided for which, on the date of enactment of this Act, were within the jurisdiction of the District Court of the Virgin Islands, or of the judge thereof, or which may hereafter be placed within the jurisdiction of the District Court of the Virgin Islands, or of the judge thereof, by local law.

The district court shall also have concurrent jurisdiction with the inferior courts as provided in section 32.

SEC. 29. The district court shall also have jurisdiction of offenses under the criminal laws of the United States when such offenses are committed on the high seas beyond the territorial limits of the Virgin Islands on vessels belonging in whole or in part to the United States, to any citizen thereof, or to any corporation created by or under the laws of the United States or of any State or Territory thereof, and the offenders are found in the Virgin Islands or are brought into the Virgin Islands after the commission of the offense.

SEC. 30. Appeals from the District Court of the Virgin Islands shall be as provided by law in force on the date of enactment of this Act: *Provided*, That no appeal shall be predicated upon the existence of a right of appeal under the law of Denmark.

SEC. 33. Appeals in civil and criminal cases from the judgments and rulings of the inferior courts shall be to the district court and shall be taken in accordance with the laws and ordinances of the respective municipalities: *Provided*, That the right of appeal in all cases, civil and criminal, shall be as established by law or ordinance in force on the date of enactment of this Act, or

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SEC. 22. The inferior courts now or hereafter established by local law shall have jurisdiction of all civil actions wherein the matter in controversy does not exceed the sum or value of \$500, exclusive of interest and costs, all criminal cases wherein the maximum punishment which may be imposed does not exceed a fine of \$100 or imprisonment for six months, or both, all violations of police and executive regulations, and all actions, civil or criminal, jurisdiction of which may hereafter be conferred upon them by local law. The inferior courts shall hold preliminary investigations in charges of felony and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction granted to the inferior courts by this section, and shall commit offenders to district court and grant bail in bailable cases. The rules governing the inferior courts and prescribing the duties of the judges and officers thereof, oaths and bonds, the times and places of holding court, and the procedure for appeals to the district court shall be as may hereafter be established by the district court. The rules governing disposition of fines, costs, and forfeitures, enforcement of judgments, and disposition and treatment of prisoners shall be as established by law or ordinance in force on the date of approval of this Act or as may hereafter be so established.

SEC. 23. The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of the Virgin Islands, who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The salary of the judge of the district court shall be at the rate prescribed for judges of the United States district courts. The Chief Justice of the United States may assign any United States circuit or district judge, with his consent, to serve as a judge in the District Court of the Virgin Islands whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the court. The provisions of chapter 49 of title 28, United States Code, shall apply to the District Court of the Virgin Islands. The compensation of the judge of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States.

as may hereafter be established by law or ordinance by the municipal council having jurisdiction.

SEC. 32. The inferior courts shall have jurisdiction concurrent with the district court in all civil cases in which the principal sum claimed does not exceed \$200, and of all criminal cases wherein the punishment that may be imposed shall not exceed a fine of \$100 or imprisonment not exceeding six months, all violations of police regulations and executive regulations, and any cause or offense wherein jurisdiction hereafter shall have been conferred by local law. Such inferior courts shall hold preliminary investigations in charges of felony and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction granted to the inferior courts by this section, and shall commit offenders to the district court and grant bail in bailable cases. The rules governing said courts and prescribing the duties of inferior judges and inferior court officers, oaths, and bonds, the times and places of holding such courts, the disposition of fines, costs, forfeitures, enforcements of judgments, providing for appeals therefrom to the district court, and the disposition and treatment of prisoners shall be as established by law or ordinance in force on the date of enactment of this Act or as may hereafter be established by law or ordinance by the municipal council having jurisdiction.

SEC. 26. The President shall, by and with the advice and consent of the Senate, appoint a judge and a district attorney for the District Court of the Virgin Islands who shall hold office for a term of four years and until their successors are chosen and qualified unless sooner removed by the President for cause. In case of the absence, disability, or disqualification of such judge, the President is authorized to appoint a special judge to discharge the duties of such judge only until the termination of such absence, disability, or disqualification; and the special judge so appointed shall be authorized and empowered to perform the duties of such office during such periods and shall receive compensation at the same rate, for the period of time actually served, and the same allowances for expenses and transportation, as are paid and allowed the judge of said court. In the case of a vacancy in the office of district attorney, the District Court of the Virgin Islands may appoint a dis-

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The Attorney General shall, as heretofore, appoint a marshal for the Virgin Islands to whose office the provisions of chapter 33 of title 28, United States Code, shall apply.

trict attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of court.

The Attorney General shall appoint and fix the compensation of all other officers necessary for the transaction of the business of the district court, and the compensation of the judge of the district court, and of the district attorney, and the administrative expenses of such court shall be paid from appropriations made for the Department of Justice. The duties of such officers shall be prescribed by law or ordinance and by order of the Attorney General not inconsistent therewith: *Provided*, That the Governor may call upon the district attorney to advise him upon any legal questions concerning the administration of the Government of the Virgin Islands.

SEC. 24. The Virgin Islands shall consist of two judicial divisions, one constituted by the island of Saint Croix, and one constituted by the islands of Saint Thomas and Saint John. The district court shall hold sessions in each division at such time as the court may designate by rule or order, at least once in three months in each division. The practice and procedure in the district court shall be as prescribed by rules and orders of the court. The process of the district court shall run throughout the Virgin Islands.

SEC. 27. The District Court of the Virgin Islands shall consist of two divisions, one constituted by the municipality of Saint Croix and one constituted by the municipality of Saint Thomas and Saint John, as defined by local law in force on the date of enactment of this Act. The judge of the district court shall hold court in each division at such time as he may designate by order, at least once in two months in each division. The rules of practice and procedure in such district court shall be prescribed by law or ordinance or by rules and regulations of the district judge not inconsistent with law or ordinance. The process of the district court shall run throughout the Virgin Islands.

SEC. 25. In any criminal case originating in the district court, no person shall be denied the right to trial by jury on the demand of either party. If no jury is demanded the case shall be tried by the judge of the district court without a jury, except that the judge may, on his own motion, order a jury for the trial of any criminal action. The legislature may provide for trial in misdemeanor cases by a jury of six qualified persons.

SEC. 31. In any criminal case originating in said district court, no person shall be denied the right to trial by jury on the demand of either party: *Provided*, That if no jury is demanded the case shall be tried by the court without a jury: *Provided further*, That the judge of the district court may, on his own motion order a jury for the trial of any criminal action: *Provided further*, That the respective municipal councils of Saint Croix and of Saint Thomas and Saint John, may provide for trial in misdemeanor cases by a jury of six qualified persons.

SEC. 26. The President shall, by and with the advice and consent of the Senate, appoint a district attorney for the Virgin Islands, who shall hold office for the term of four years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The district attorney shall conduct all legal proceedings, civil and criminal, to which the Government of the United States is a party in the District Court of the Virgin Islands and in the inferior courts of the Virgin Islands,

(See section 26, *supra*.)

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and to which the government of the Virgin Islands is a party in the District Court of the Virgin Islands. Offenses against the laws of the Virgin Islands shall be prosecuted in the name of the people of the Virgin Islands. He shall also serve as legal adviser to the Governor. The district attorney shall perform his duties under the supervision and direction of the Attorney General of the United States. The Attorney General shall appoint one assistant district attorney who shall conduct all proceedings, civil and criminal, to which the government of the Virgin Islands is a party in the inferior courts of the Virgin Islands. The Attorney General may authorize the employment of necessary clerical assistants. The compensation of the district attorney and his assistant and employees shall be fixed by the Attorney General and their salaries and the other necessary expenses of the office shall be paid from appropriations made to the Department of Justice. In the case of a vacancy in the office of the district attorney, the District Court of the Virgin Islands may appoint a district attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.

SEC. 37. All judicial process shall run in the name of "United States of America, scilicet, the President of the United States", and all penal or criminal prosecutions in the local courts shall be conducted in the name of and by authority of "the People of the Virgin Islands of the United States."

FISCAL PROVISIONS

FISCAL PROVISIONS

SEC. 27. (a) The proceeds of customs duties, the proceeds of the United States income tax, the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and the proceeds of all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands, less the cost of collecting all of said duties, taxes, and fees, shall be covered into the treasury of the Virgin Islands, and shall be available for expenditure as the Legislature of the Virgin Islands may provide: *Provided*, That the term "inhabitants of the Virgin Islands" as used in this section shall include all persons whose permanent residence is in the Virgin Islands, and such persons shall satisfy their income tax obligation under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands

SEC. 35. All taxes, duties, fees, and public revenues collected in the municipality of Saint Croix shall be covered into the treasury of the Virgin Islands and held in account for said municipality and all taxes, duties, fees, and public revenues collected in the municipality of Saint Thomas and Saint John shall be covered into said treasury of the Virgin Islands, and held in account for said municipality: *Provided*, That the proceeds of customs duties, less the cost of collection, and the proceeds of the United States income tax, and the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands shall be covered into the treasury of the Virgin Islands and held in account for the respective municipalities, and shall be expended for the benefit and government of said

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into the treasury of the Virgin Islands: *Provided further*, That nothing in this Act shall be construed to apply to any tax specified in section 3811 of the Internal Revenue Code.

(b) Subchapter B of chapter 28 of the Internal Revenue Code is amended by adding to section 3350 thereof the following subsection:

"(c) DISPOSITION OF INTERNAL REVENUE COLLECTIONS.—Beginning with the fiscal year ending June 30, 1954, and annually thereafter, the Secretary of the Treasury shall determine the amount of all taxes imposed by, and collected during the fiscal year under, the internal revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States. The amount so determined less 1 per centum and less the estimated amount of refunds or credits shall be subject to disposition as follows:

"(i) There shall be transferred and paid over to the government of the Virgin Islands from the amounts so determined a sum equal to the total amount of the revenue collected by the government of the Virgin Islands during the fiscal year, as certified by the treasurer of the Virgin Islands. The moneys so transferred and paid over shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as the legislature may determine: *Provided*, That the approval of the President or his designated representative shall be obtained before such moneys may be obligated or expended.

"(ii) There shall also be transferred and paid over to the government of the Virgin Islands during each of the fiscal years ending June 30, 1955, and June 30, 1956, the sum of \$1,000,000, or the balance of the internal revenue collections available under this subsection (c) after payments are made under the preceding paragraph (i), whichever amount is greater. The moneys so transferred and paid over shall be deposited in the separate fund established by the preceding paragraph (i), but shall be obligated or expended for emergency purposes and essential public projects only, with the prior approval of the President or his designated representative.

"(iii) Any amounts remaining shall be deposited in the Treasury of the United States as miscellaneous receipts.

"If at the end of any fiscal year the total of the Federal contribution made under (i) above at the beginning of that

municipalities in accordance with the annual municipal budgets. The Municipal Council of Saint Croix may make appropriations for the purposes of said municipality from, and to be paid out of, the funds credited to its account in the treasury of the Virgin Islands; and the Municipal Council of Saint Thomas and Saint John may make appropriations for the purposes of said municipality from, and to be paid out of, the funds credited to its account in said treasury.

SEC. 36. Taxes and assessments on property and incomes, internal-revenue taxes, license fees, and service fees may be imposed and collected, and royalties for franchises, privileges, and concessions granted may be collected for the purposes of the government of the Virgin Islands as may be provided and defined by the municipal councils herein established: *Provided*, That all money hereafter derived from any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury of the Virgin Islands and paid out for such purpose only, except when otherwise authorized by the legislative authority having jurisdiction after the purpose for which such fund was created has been accomplished. Until Congress shall otherwise provide, all laws concerning import duties and customs in the municipality of Saint Thomas and Saint John now in effect shall be in force and effect in and for the Virgin Islands: *Provided*, That the Secretary of the Treasury shall designate the several ports and sub-ports of entry in the Virgin Islands of the United States and shall make such rules and regulations and appoint such officers and employees as he may deem necessary for the administration of the customs laws in the Virgin Islands of the United States; and he shall fix the compensation of all such officers and employees and provide for the payment of such compensations and other expenses of the collection of duties, fees, and taxes imposed under the customs laws from the receipts thereof. The export duties in effect on the date of enactment of this Act may be from time to time reduced, repealed, or restored by ordinance of the municipal council having jurisdiction: *Provided further*, That no new export duties shall be levied in the Virgin Islands except by the Congress.

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fiscal year has not been obligated or expended for an approved purpose, the balance shall continue available for expenditure during any succeeding fiscal year, but only for approved emergency relief purposes and essential public projects as provided in (ii) above. The aggregate amount of moneys available for expenditure for emergency relief purposes and essential public projects only, including payments under (ii) above, shall not exceed the sum of \$5,000,000 at the end of any fiscal year. Any unobligated or unexpended balance of the Federal contribution remaining at the end of a fiscal year which would cause the moneys available for emergency relief purposes and essential public projects only to exceed the sum of \$5,000,000 shall thereupon be transferred and paid over to the Treasury of the United States as miscellaneous receipts."

Section 526, Act of June 17, 1930 (46 Stat. 741; 19 U. S. C., Sec. 1526)

SEC. 526. MERCHANDISE BEARING AMERICAN TRADE-MARK.

(c) Notwithstanding any other provision of law, section 526 of the Tariff Act of 1930 (46 Stat. 741, 19 U. S. C., 1946 edition, sec. 1526) and section 42 of the Trade Mark Act of 1946 (60 Stat. 440, 15 U. S. C., 1946 edition, sec. 1124) shall not apply to the Virgin Islands.

(a) **IMPORTATION PROHIBITED.**—It shall be unlawful to import into the United States any merchandise of foreign manufacture if such merchandise, or the label, sign, print, package, wrapper, or receptacle, bears a trade-mark owned by a citizen of, or by a corporation or association created or organized within, the United States, and registered in the Patent Office by a person domiciled in the United States, under the provisions of the act entitled "An Act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February 20, 1905, as amended, and if a copy of the certificate of registration of such trade-mark is filed with the Secretary of the Treasury, in the manner provided in section 27 of such Act, unless written consent of the owner of such trade-mark is produced at the time of making entry.

(b) **SEIZURE AND FORFEITURE.**—Any such merchandise imported into the United States in violation of the provisions of this section shall be subject to seizure and forfeiture for violation of the customs laws.

(c) **INJUNCTION AND DAMAGES.**—Any person dealing in any such merchandise may be enjoined from dealing therein within the United States or may be required to export or destroy such merchandise or to remove or obliterate such trade-mark and shall be liable for the

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same damages and profits provided for wrongful use of a trade-mark, under the provisions of such Act of February 20, 1905, as amended.

Section 42, Act of July 5, 1946 (60 Stat. 440; 15 U. S. C., sec. 1124)

SEC. 42. That no article of imported merchandise which shall copy or simulate the name of any domestic manufacture, or manufacturer, or trader, or of any manufacturer or trader located in any foreign country which, by treaty, convention, or law affords similar privileges to citizens of the United States, or which shall copy or simulate a trade-mark registered in accordance with the provisions of this Act or shall bear a name or mark calculated to induce the public to believe that the article is manufactured in the United States, or that it is manufactured in any foreign country or locality other than the country or locality in which it is in fact manufactured, shall be admitted to entry at any customhouse of the United States; and, in order to aid the officers of the customs in enforcing this prohibition, any domestic manufacturer or trader, and any foreign manufacturer or trader, who is entitled under the provisions of a treaty convention, declaration, or agreement between the United States and any foreign country to the advantages afforded by law to citizens of the United States in respect to trade-marks and commercial names, may require his name and residence, and the name of the locality in which his goods are manufactured, and a copy of the certificate of registration of his trade-mark, issued in accordance with the provisions of this Act, to be recorded in books which shall be kept for this purpose in the Department of the Treasury, under such regulations as the Secretary of the Treasury, shall prescribe, and may furnish to the Department facsimiles of his name, the name of the locality in which his goods are manufactured, or of his registered trade-mark, and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of customs.

Section 3, Act of March 3, 1917 (39 Stat. 1132), as amended (48 U. S. C., sec. 1394)

(d) There shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the Virgin Islands the rates of duty and

That on and after the passage of this Act there shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the

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internal revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of, or manufactured in, such islands, from materials grown or produced in such islands or in the United States, or both, or which do not contain foreign materials to the value of more than 50 per centum of their total value, upon which no drawback of custom duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. In determining whether such a Virgin Islands article contains foreign material to the value of more than 50 per centum, no material shall be considered foreign which, at the time the Virgin Islands article is entered, or withdrawn from warehouse for consumption, may be imported into the continental United States free of duty generally.

Virgin Islands the rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of, or manufactured in, such islands, from materials the growth or product of, such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per centum of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. In determining whether such a Virgin Islands article contains foreign material to the value of more than 20 per centum, no material shall be considered foreign which, at the time the Virgin Islands article is entered, or withdrawn from warehouse, for consumption, may be imported into the continental United States free of duty generally.

Act of June 22, 1936 (49 Stat. 1807),
as Amended (48 U. S. C., Sec. 1405,
et. seq.)

MISCELLANEOUS PROVISIONS

SEC. 28. All officials of the government of the Virgin Islands shall be citizens of the United States. Every member of the Legislature of the Virgin Islands and all officers and employees of the government of the Virgin Islands shall, before entering upon the duties of their respective offices, or, in the case of persons in the employ of the government of the Virgin Islands on the effective date of this Act, then within sixty days of the effective date thereof, make a written statement in the following form:

SEC. 38. All officials of the Government of the Virgin Islands shall be citizens of the United States, and before entering upon the duties of their respective offices shall take an oath to support the Constitution and the laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands.

Section 1, Act of July 12, 1921 (42 Stat. 123; 48 U. S. C., sec. 1393)

"I, -----, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution and laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands, and that I will discharge the duties of ----- with fidelity.

"And I do further swear (or affirm) that I do not advocate, nor am I knowingly a member of any organization that advocates, the overthrow of the Government of the United States or of the Virgin Islands by force or violence or other unconstitutional means, or seeking by force or violence to deny other persons their rights under the Constitution and laws of the United

States. That no person owing allegiance to any country other than the United States of America shall be eligible to hold office as a member of the colonial councils of the Virgin Islands of the United States nor to hold any public office under the government of said islands.

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States applicable to the Virgin Islands or the laws of the Virgin Islands.

"And I do further swear (or affirm) that I will not so advocate nor will I knowingly become a member of such organization during the period that I am an employee of the Virgin Islands."

SEC. 29. All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is hereby authorized to place all matters pertaining to the government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to the judicial branch of said government which on the date of approval of this Act are under the supervision of the Director of the Administrative Office of the United States Courts.

SEC. 30. (a) The Secretary of the Interior shall be authorized to lease or to sell upon such terms as he may deem advantageous to the Government of the United States any property of the United States under his administrative supervision in the Virgin Islands not needed for public purposes.

(b) The government of the Virgin Islands shall continue to have control over all public property that is under its control on the date of approval of this Act.

SEC. 31. Section 6 of the Act of August 30, 1890 (26 Stat. 414, 416), as amended (21 U. S. C., 1946 edition, sec. 104) is further amended by inserting the words "and the admission into the Virgin Islands" immediately following the word "Texas", so that such section will read as follows:

"The importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is prohibited: *Provided*, That the Secretary of Agriculture, within his discretion and under such regulations as he may prescribe, is authorized to permit the admission

Act of June 22, 1936 (49 Stat. 1807), as amended (48 U. S. C., sec. 1405, et seq.)

SEC. 39. All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is hereby authorized to place all matters pertaining to the Government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to the judicial branch of said Government which shall be as hereinbefore provided under the supervision of the Attorney General.

SEC. 4. (a) All property which may have been acquired by the United States from Denmark in the Virgin Islands under the convention entered into August 4, 1916, not reserved by the United States for public purposes prior to June 22, 1937, is placed under the control of the government of the Virgin Islands.

Section 6, Act of Aug. 30, 1890 (26 Stat. 416) as amended (21 U. S. C., sec. 104)

The importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is prohibited: *Provided*, That the Secretary of Agriculture, within his discretion and under such regulations as he may prescribe, is authorized to permit the admission from Mexico into the State of Texas of cattle which have been infested with or exposed to ticks upon being freed therefrom. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding \$5,000, or by impris-

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from Mexico into the State of Texas and the admission into the Virgin Islands of cattle which have been infested with or exposed to ticks upon being freed therefrom. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding three years, and any vessel or vehicle used in such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States."

onment not exceeding three years, and any vessel or vehicle used in such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as herein described shall be forfeited to the United States.

Section 2, Act of Feb. 2, 1903 (32 Stat. 792), as amended (21 U. S. C., sec. 111)

SEC. 32. Section 2 of the Act of February 2, 1903 (32 Stat. 791, 792), as amended (21 U. S. C., 1946 edition, sec. 111), is hereby further amended by striking out the period and adding at the end thereof the following: "*Provided*, That no such regulations or measures shall pertain to the introduction of live poultry into the Virgin Islands of the United States."

The Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals and/or live poultry from a foreign country into the United States or from one State or Territory of the United States or the District of Columbia to another, and to seize, quarantine, and dispose of any meats, hides, or other animal products coming from an infected foreign country to the United States, or from one State or Territory or the District of Columbia in transit to another State or Territory or the District of Columbia whenever in his judgment such action is advisable in order to guard against the introduction or spread of such contagion.

Act of June 22, 1936 (49 Stat. 1807), as amended (48 U. S. C., sec. 1405, et seq.)

SEC. 33. This Act shall take effect upon its approval, but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the incumbents of all offices under the government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority. The enactment of this Act shall not affect the term of office of the judge of the district court of the Virgin Islands in office on the date of its enactment.

SEC. 40. This Act shall take effect upon its enactment, but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the present incumbents of all offices under the Government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority.

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SEC. 34. Except to the extent necessary to implement the provisions of section 35, the Act of June 22, 1936 (49 Stat. 1807), and any other provisions of law inconsistent with this Act are hereby repealed.



Union Calendar No. 587

83^D CONGRESS
2^D SESSION

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[Report No. 1603]

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 1953

Mr. MILLER of Nebraska (by request) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

MAY 13, 1954

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

A BILL

To revise the Organic Act of the Virgin Islands of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Revised Organic Act of
4 the Virgin Islands".

5 SEC. 2. (a) The provisions of this Act, and the name
6 "Virgin Islands" as used in this Act, shall apply to and
7 include the territorial domain, lands, and waters acquired
8 by the United States through cession of the Danish West

1 Indian Islands by the convention between the United States
2 of America and His Majesty the King of Denmark entered
3 into August 4, 1916, and ratified by the Senate on Sep-
4 tember 7, 1916 (39 Stat. 1706).

5 (b) The Virgin Islands are hereby declared to be an
6 unincorporated territory of the United States. The capital
7 and seat of government of the Virgin Islands shall be located
8 at the city of Charlotte Amalie, in the island of Saint
9 Thomas.

10 BILL OF RIGHTS

11 SEC. 3. No law shall be enacted in the Virgin Islands
12 which shall deprive any person of life, liberty, or property
13 without due process of law or deny to any person therein
14 equal protection of the laws.

15 In all criminal prosecutions the accused shall enjoy the
16 right to be represented by counsel for his defense, to be
17 informed of the nature and cause of the accusation, to have
18 a copy thereof, to have a speedy and public trial, to be con-
19 fronted with the witnesses against him, and to have com-
20 pulsory process for obtaining witnesses in his favor.

21 No person shall be held to answer for a criminal offense
22 without due process of law, and no person for the same
23 offense shall be twice put in jeopardy of punishment, nor
24 shall be compelled in any criminal cause to give evidence
25 against himself; nor shall any person sit as judge or magis-

1 trate in any case in which he has been engaged as attorney
2 or prosecutor.

3 All persons shall be bailable by sufficient sureties in the
4 case of criminal offenses, except for first-degree murder or
5 any capital offense when the proof is evident or the presump-
6 tion great.

7 Excessive bail shall not be required, nor excessive fines
8 imposed, nor cruel and unusual punishment inflicted.

9 No law impairing the obligation of contracts shall be
10 enacted.

11 No person shall be imprisoned or shall suffer forced labor
12 for debt.

13 All persons shall have the privilege of the writ of habeas
14 corpus and the same shall not be suspended except as herein
15 expressly provided.

16 No ex post facto law or bill of attainder shall be enacted.

17 Private property shall not be taken for public use except
18 upon payment of just compensation ascertained in the man-
19 ner provided by law.

20 The right to be secure against unreasonable searches and
21 seizures shall not be violated.

22 No warrant for arrest or search shall issue, but upon
23 probable cause, supported by oath or affirmation, and par-
24 ticularly describing the place to be searched and the persons
25 or things to be seized.

1 Slavery shall not exist in the Virgin Islands.

2 Involuntary servitude, except as a punishment for crime
3 whereof the party shall have been duly convicted, shall not
4 exist in the Virgin Islands.

5 No law shall be passed abridging the freedom of speech
6 or of the press or the right of the people peaceably to
7 assemble and petition the Government for the redress of
8 grievances.

9 No law shall be made respecting an establishment of
10 religion or prohibiting the free exercise thereof, and the free
11 exercise and enjoyment of religious profession and worship
12 without discrimination or preference shall forever be allowed,
13 and no political or religious test other than an oath to support
14 the Constitution and the laws of the United States applicable
15 to the Virgin Islands, and the laws of the Virgin Islands,
16 shall be required as a qualification to any office or public trust
17 under the Government of the Virgin Islands.

18 No money shall be paid out of the treasury except in
19 accordance with an Act of Congress or money bill of the
20 legislature and on warrant drawn by the proper officer.

21 The contracting of polygamous or plural marriages is
22 prohibited.

23 The employment of children under the age of fourteen
24 years in any occupation injurious to health or morals or
25 hazardous to life or limb is prohibited.

Nothing contained in this Act shall be construed to limit the power of the legislature herein provided to enact laws for the protection of life, the public health, or the public safety.

FRANCHISE

SEC. 4. The franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, twenty-one years of age or over. Additional qualifications may be prescribed by the legislature: *Provided, however,* That no property, language, or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

LEGISLATIVE BRANCH

SEC. 5. (a) The legislative power and authority of the Virgin Islands shall be vested in a legislature, consisting of one house, to be designated the "Legislature of the Virgin Islands", herein referred to as the legislature.

(b) The legislature shall be composed of eleven members to be known as representatives. Two representatives shall be elected by the qualified electors of the District of Saint Thomas; two representatives shall be elected by the qualified electors of the District of Saint Croix; and one representative shall be elected by the qualified electors of the District of Saint John; which districts are hereby estab-

1 lished. The other six representatives shall be representatives
 2 at large and shall be elected by the qualified electors of the
 3 Virgin Islands from the Virgin Islands as a whole: *Provided*,
 4 That in the election of representatives at large, each elector
 5 shall be entitled to vote for but one candidate, and the candi-
 6 dates receiving the largest number of votes shall be declared
 7 elected up to the number to be elected at that election.

8 SEC. 6. (a) The term of office of each member of the
 9 legislature shall be four years, except that in the first election
 10 to be held after the effective date of this Act, one representa-
 11 tive from Saint Thomas, one representative from Saint Croix,
 12 and three representatives at large shall be elected for two-
 13 year terms. The term of office of each member shall com-
 14 mence on the first day of January following his election.

15 (b) No person shall be eligible to be a member of the
 16 legislature who is not a citizen of the United States, who has
 17 not attained the age of twenty-five years, who is not a quali-
 18 fied voter in the Virgin Islands, who has not been a bona
 19 fide resident of the Virgin Islands for at least three years
 20 next preceeding the date of his election, or who has been
 21 convicted of a felony or of a crime involving moral turpi-
 22 tude and has not received a pardon restoring his civil rights.
 23 Persons employed in the executive or judicial branches of
 24 the Government of the Virgin Islands shall not be eligible
 25 for membership in the legislature.

1 (c) All officers and employees charged with the duty of
 2 directing the administration of the electoral system of the
 3 Virgin Islands and its representative districts shall be ap-
 4 pointed in such manner as the legislature may by law direct:
 5 *Provided*, That appointment shall be made according to merit
 6 and fitness to be determined, so far as practicable, by com-
 7 petitive examination.

8 (d) No member of the legislature shall be held to
 9 answer before any tribunal other than the legislature for
 10 any speech or debate in the legislature and the members
 11 shall in all cases, except treason, felony, or breach of the
 12 peace, be privileged from arrest during their attendance at
 13 the sessions of the legislature and in going to and returning
 14 from the same.

15 (e) Each member of the legislature shall be paid the
 16 sum of \$15 per day for each day's attendance while the legis-
 17 lature is in session. Each member of the legislature who is
 18 away from the island of his residence shall also receive for
 19 each day's attendance while the legislature is in session, in
 20 lieu of his actual expenses for subsistence, a per diem allow-
 21 ance in accordance with the provisions of the Travel Expense
 22 Act of 1949 (63 Stat. 166; 5 U. S. C., 1946 edition, Supp.
 23 V, sec. 835 and the following), and shall be reimbursed for
 24 his travel expenses in going to and returning from each ses-
 25 sion, or period thereof, in accordance with the provisions of

1 said Act. The salaries, per diem, and travel allowances of
2 the members of the legislature shall be paid by the Govern-
3 ment of the Virgin Islands.

4 (f) No member of the legislature shall hold or be
5 appointed to any office which has been created by the legis-
6 lature, or the salary or emoluments of which have been
7 increased, during the term for which he was elected, or
8 during one year after the expiration of such term.

9 (g) The legislature shall be the sole judge of the elec-
10 tions and qualifications of its members, shall have and exercise
11 all the authority and attributes inherent in legislative assem-
12 blies, and shall have the power to institute and conduct
13 investigations, issue subpoenas to witnesses and other parties
14 concerned and administer oaths. The rules of the Legislative
15 Assembly of the Virgin Islands existing on the date of
16 approval of this Act shall continue in force and effect for
17 sessions of the legislature, except as inconsistent with this
18 Act, until altered, amended, or repealed by the legislature.

19 (h) The Governor shall fill any vacancy in the office
20 of member of the legislature by appointment of a person who,
21 if the vacant office is that of a representative from a district,
22 shall be a resident of the district from which the member
23 whose office is vacant was elected, but the person so ap-
24 pointed shall serve only until the next general election, at

1 which time the office shall be filled by election for the
2 remainder of the unexpired term.

3 SEC. 7. (a) Regular sessions of the legislature shall be
4 held annually, commencing on the first day of January, or on
5 such other day as the legislature may prescribe by law, and
6 may be adjourned from time to time to a future date, but the
7 period or periods during which the legislature is in regular
8 session during any calendar year shall not exceed in the
9 aggregate sixty calendar days. The Governor may call spe-
10 cial sessions of the legislature at any time when in his
11 opinion the public interests may require it, but no special
12 session shall continue longer than fifteen calendar days, and
13 the aggregate of such special sessions during any calendar
14 year shall not exceed thirty calendar days. No legislation
15 shall be considered at any special session other than that
16 specified in the call therefor or in any special message by
17 the Governor to the legislature while in such session.

18 (b) The first regular session of the legislature shall be
19 held in the capitol of the Virgin Islands at Charlotte Amalie,
20 Saint Thomas, and thereafter regular session shall alternately
21 be held in Christiansted, Saint Croix, and Charlotte Amalie,
22 Saint Thomas.

23 SEC. 8. (a) The legislative authority and power of the
24 Virgin Islands shall extend to all subjects of local applica-

1 tion not inconsistent with this Act or the laws of the United
2 States made applicable to the Virgin Islands, but no law
3 shall be enacted which would impair rights existing or arising
4 by virtue of any treaty or international agreement
5 entered into by the United States, nor shall the lands or
6 other property of nonresidents be taxed at a higher rate than
7 the lands or other property of residents.

8 (b) The laws of the United States applicable to the
9 Virgin Islands on the date of approval of this Act, including
10 laws made applicable to the Virgin Islands by or
11 pursuant to the provisions of the Act of June 22, 1936
12 (49 Stat. 1807), and all local laws and ordinances in force
13 in the Virgin Islands on the date of approval of this Act
14 shall, to the extent they are not inconsistent with this Act,
15 continue in force and effect until otherwise provided by the
16 Congress: *Provided*, That the legislature shall have power,
17 when within its jurisdiction and not inconsistent with the
18 other provisions of this Act, to amend, alter, modify, or
19 repeal any law of the United States of local application only,
20 or any local law or ordinance, public or private, civil or
21 criminal, continued in force and effect by this Act, and to
22 enact new laws not inconsistent with any law of the United
23 States applicable to the Virgin Islands on the date of the
24 approval of this Act that is not of local application only,
25 or with any law of the United States hereafter made ap-

1 plicable to the Virgin Islands, subject to the power ~~of~~
2 Congress to annul any such act of the legislature.

3 ~~(c)~~ The President of the United States shall appoint a
4 commission of seven persons, at least three of whom shall be
5 residents of the Virgin Islands, to survey the field of Federal
6 statutes and to make recommendations to the Congress within
7 twelve months after the date of approval of this Act as to
8 which statutes of the United States not applicable to the
9 Virgin Islands on such date should be made applicable to the
10 Virgin Islands, and as to which statutes of the United States
11 applicable to the Virgin Islands on such date should be
12 declared inapplicable. The members of the commission shall
13 receive no salary for their service on the commission, but
14 under regulations and in amounts prescribed by the Secretary
15 of the Interior, they may be paid reasonable per diem fees,
16 and allowances in lieu of subsistence expenses, for attendance
17 at meetings of the commission, and for time spent on official
18 business of the commission, and their necessary travel ex-
19 penses to and from meetings or when upon such official busi-
20 ness, without regard to the Travel Expense Act of 1949.

21 ~~(d)~~ The Governor of the Virgin Islands shall arrange
22 for the preparation and publication, at Federal expense, of a
23 code of laws of the Virgin Islands, to be entitled "Virgin
24 Islands Code", which shall be a consolidation and codifica-
25 tion of the local laws of the Virgin Islands. The Virgin

1 Islands Code and any supplement thereto shall be printed, at
2 Federal expense, by the Government Printing Office as a
3 public document.

4 SEC. 9. ~~(a)~~ The quorum of the legislature shall consist
5 of an absolute majority of all its members. No bill shall be-
6 come a law unless it shall have been passed, at a meeting at
7 which a quorum was present, by a majority vote of the mem-
8 bers present and voting, which vote shall be by yeas and
9 nays.

10 ~~(b)~~ The enacting clause of all acts shall be as follows:
11 “Be it enacted by the Legislature of the Virgin Islands”.

12 ~~(c)~~ The Governor shall submit at the opening of each
13 regular session of the legislature a message on the state of
14 the Virgin Islands and a budget of estimated receipts and
15 expenditures, which shall be the basis of the appropriation
16 bills for the ensuing fiscal year.

17 ~~(d)~~ Every bill passed by the legislature shall, before
18 it becomes a law, be presented to the Governor. If the Gov-
19 ernor approves the bill, he shall sign it. If the Governor
20 disapproves the bill, he shall, except as hereinafter provided,
21 return it, with his objections, to the legislature within ten
22 days ~~(Sundays excepted)~~ after it shall have been presented
23 to him. If the Governor does not return the bill within such
24 period, it shall be a law in like manner as if he had signed it,

1 unless the legislature by adjournment prevents its return, in
2 which case it shall be a law if signed by the Governor within
3 thirty days after it shall have been presented to him; other-
4 wise it shall not be a law. When a bill is returned by the
5 Governor to the legislature with his objections, the legisla-
6 ture shall enter his objections at large on its journal and
7 proceed to reconsider the bill. If, after such reconsideration,
8 two-thirds of all the members of the legislature agree to pass
9 the bill, it shall be presented anew to the Governor. If he
10 then approves it, he shall sign it; if not, he shall within ten
11 days after it has been presented to him transmit it to the
12 President of the United States. If the President approves
13 the bill, he shall sign it. If he disapproves the bill, he shall
14 return it to the Governor, so stating, and it shall not be a
15 law. If the President neither approves nor disapproves the
16 bill within ninety days from the date on which it is trans-
17 mitted to him by the Governor, the bill shall be a law in like
18 manner as if the President had signed it. If any bill pre-
19 sented to the Governor contains several items of appropria-
20 tion of money, he may object to one or more of such items,
21 or any part or parts, portion or portions thereof, while ap-
22 proving the other items, parts, or portions of the bill. In such
23 a case he shall append to the bill, at the time of signing it, a
24 statement of the items, or parts or portions thereof, to which

1 he objects, and the items, or parts or portions thereof, so
2 objected to shall not take effect.

3 ~~(e)~~ If at the termination of any fiscal year the legis-
4 lature shall have failed to pass appropriation bills providing
5 for payment of the obligations and necessary current ex-
6 penses of the Government of the Virgin Islands for the
7 ensuing fiscal year, then the several sums appropriated in
8 the last appropriation bills for the objects and purposes
9 therein specified, so far as the same may be applicable, shall
10 be deemed to be reappropriated item by item.

11 ~~(f)~~ The legislature shall keep a journal of its proceed-
12 ings and publish the same. Every bill passed by the legis-
13 lature and the yeas and nays on any question shall be entered
14 on the journal.

15 ~~(g)~~ Copies of all laws enacted by the legislature shall
16 be transmitted annually by the Governor to the Secretary
17 of the Interior and by him to the Congress of the United
18 States.

19 SEC. 10. The next general election in the Virgin Islands
20 shall be held on November 2, 1954. At such time there shall
21 be chosen the entire membership of the legislature as herein
22 provided. Thereafter the general elections shall be held on
23 the first Tuesday after the first Monday in November, begin-
24 ning with the year 1956, and every two years thereafter.

1 The Municipal Council of Saint Thomas and Saint John,
2 and the Municipal Council of Saint Croix, existing on the
3 date of approval of this Act, shall continue to function until
4 January 1, 1955, at which time all of the functions, property,
5 personnel, records, and unexpended balances of appropria-
6 tions of the governments of said municipalities shall be
7 transferred to the Government of the Virgin Islands.

8 EXECUTIVE BRANCH

9 SEC. 11. The executive power of the Virgin Islands shall
10 be vested in an executive officer whose official title shall be
11 the "Governor of the Virgin Islands", and shall be exercised
12 under the supervision of the Secretary of the Interior. The
13 Governor of the Virgin Islands shall be appointed by the
14 President, by and with the advice and consent of the Senate,
15 and shall hold office at the pleasure of the President and
16 until his successor is chosen and qualified. The Governor
17 shall reside in the Virgin Islands during his official incum-
18 beney. He shall have general supervision and control of all
19 the departments, agencies, and other instrumentalities of the
20 executive branch of the Government of the Virgin Islands.
21 He may grant pardons and reprieves and remit fines and
22 forfeitures for offenses against the local laws, and may grant
23 respites for all offenses against the laws of the United States
24 applicable in the Virgin Islands until the decision of the

1 President can be ascertained. He may veto any legislation
2 as provided in this Act. He shall appoint all officers and
3 employees of the executive branch of the Government of the
4 Virgin Islands, except as otherwise provided in this Act, and
5 shall commission all officers that he may be authorized to
6 appoint. He shall be responsible for the faithful execution
7 of the laws of the Virgin Islands and the laws of the United
8 States applicable in the Virgin Islands. Whenever it becomes
9 necessary he may call upon the commanders of the military
10 and naval forces of the United States in the islands, or sum-
11 mon the posse comitatus, or call out the militia, to prevent or
12 suppress violence, invasion, insurrection, or rebellion; and
13 he may, in case of rebellion or invasion, or imminent danger
14 thereof, when the public safety requires it, suspend the privi-
15 lege of the writ of habeas corpus, or place the islands, or any
16 part thereof, under martial law, until communication can be
17 had with the President and the President's decision thereon
18 made known. He shall annually, and at such other times as
19 the President or the Congress may require, make official
20 report of the transactions of the Government of the Virgin
21 Islands to the Secretary of the Interior, and his said annual
22 report shall be transmitted to the Congress. He shall perform
23 such additional duties and functions as may, in pursuance
24 of law, be delegated to him by the President, or by the
25 Secretary of the Interior. He shall have the power to issue

1 executive regulations not in conflict with any applicable law.
2 He may attend or may designate another person to represent
3 him at the meetings of the legislature, may give expression
4 to his views on any matter before that body, and may intro-
5 duce bills in the legislature.

6 SEC. 12. The President shall appoint a Government
7 Secretary for the Virgin Islands, who shall have custody of
8 the seal of the Virgin Islands and shall countersign and affix
9 such seal to all executive proclamations and all other execu-
10 tive documents. He shall record and preserve the laws
11 enacted by the legislature. He shall promulgate all procla-
12 mations and orders of the Governor and all laws enacted by
13 the legislature. He shall have such executive powers and
14 perform such other duties as may be assigned to him by the
15 Governor.

16 SEC. 13. In case of a vacancy in the office of Governor
17 or the disability or temporary absence of the Governor, the
18 Government Secretary shall have all the powers of the
19 Governor.

20 SEC. 14. The Secretary of the Interior may from time
21 to time designate the head of an executive department of the
22 Government of the Virgin Islands to act as Governor in the
23 case of a vacancy in the offices, or the disability or temporary
24 absences, of both the Governor and the Government Secere-

1 tary, and the person so designated shall have all the powers
2 of the Governor for so long as such condition continues.

3 SEC. 15. (a) The Governor shall, within one year
4 after the date of approval of this Act, reorganize and con-
5 solidate the existing executive departments, independent
6 boards, agencies, authorities, commissions, and other instru-
7 mentalities of the Government of the Virgin Islands or of
8 the municipal governments into not more than nine executive
9 departments, except for independent bodies whose existence
10 may be required for participation in Federal programs and
11 agencies which are temporary or advisory in nature.

12 (b) The Governor shall, from time to time, examine
13 the organization of the executive branch of the Government
14 of the Virgin Islands, and shall make such changes therein,
15 not inconsistent with this Act, as he determines are necessary
16 to promote effective management and to execute faithfully
17 the purposes of this Act and the laws of the Virgin Islands.

18 (c) The heads of the executive departments shall be
19 appointed by the Governor, with the advice and consent of
20 the legislature. Each shall hold office during the continu-
21 ance in office of the Governor by whom he is appointed
22 and until his successor is appointed and qualified, unless
23 sooner removed by the Governor.

24 SEC. 16. (a) There shall be appointed by the Governor,

1 with the advice and consent of the legislature, an Auditor
2 who shall hold office for a term of six years and until his
3 successor is appointed and qualified. The Auditor shall audit
4 and settle all accounts and claims pertaining to the revenues
5 and receipts from whatever source of the Government of the
6 Virgin Islands, and he shall audit and settle, in accordance
7 with law and administrative regulations, all expenditures of
8 funds and property pertaining to or held in trust by the
9 Government of the Virgin Islands.

10 (b) The Auditor shall, with the approval of the Gov-
11 ernor, from time to time promulgate general and special
12 rules and regulations not inconsistent with law covering the
13 methods of accounting for public funds and property, and
14 funds and property held in trust by the Government of the
15 Virgin Islands or any of its branches. As soon after the
16 close of each fiscal year as the accounts of said fiscal year may
17 be examined and adjusted, the Auditor shall submit to the
18 Governor an annual report of the fiscal condition of the
19 government, showing the receipts and disbursements of the
20 various departments and agencies of the government. The
21 Auditor shall make such other reports as may be required
22 of him by the Governor, the Comptroller General of the
23 United States, or the Secretary of the Interior.

24 (c) The decisions of the Auditor shall be final, except

1 that any party aggrieved thereby or the head of the depart-
2 ment concerned may, within one year from the date of a
3 decision, take an appeal therefrom to the Governor, which
4 appeal shall be in writing and shall specifically set forth the
5 particular action of the Auditor to which exception is taken,
6 with the reasons and authorities relied upon for reversing
7 such decision. The decision of the Governor in such case
8 shall be final, subject to such right of action as may be other-
9 wise provided by law.

10 ~~(d)~~ The office of the Auditor shall be under the general
11 supervision and control of the Governor, but shall not be a
12 part of any executive department.

13 SEC. 17. ~~(a)~~ The Governor shall receive an annual
14 salary at the rate provided for Governors of Territories and
15 possessions in the Executive Pay Act of 1949.

16 ~~(b)~~ The Government Secretary, the heads of the execu-
17 tive departments, the Auditor, and the members of the
18 immediate staffs of the Governor and the Government Secre-
19 tary shall receive annual salaries at rates established by the
20 Secretary of the Interior in accordance with the standards
21 provided in the Classification Act of 1949.

22 ~~(c)~~ The salaries of the Governor, the Government Secre-
23 tary, and the members of their immediate staffs shall be paid
24 by the United States. The salaries of the Auditor and the
25 heads of the executive departments shall be paid by the

1 Government of the Virgin Islands; and if the legislature
2 shall fail to make an appropriation for such salaries, the
3 salaries theretofore fixed shall be paid without the necessity
4 of further appropriations therefor.

5 JUDICIAL BRANCH

6 SEC. 18. The judicial power of the Virgin Islands shall
7 be vested in a court of record to be designated the "District
8 Court of the Virgin Islands", and in such court or courts of
9 inferior jurisdiction as may have been or may hereafter be
10 established by local law.

11 SEC. 19. The District Court of the Virgin Islands shall
12 have the jurisdiction of a district court of the United States
13 in all causes arising under the Constitution, treaties, and laws
14 of the United States and shall have general original jurisdic-
15 tion in all causes arising under the local law in force in the
16 Virgin Islands. The district court shall also have appellate
17 jurisdiction to review the judgments and orders of the inferior
18 courts of the Virgin Islands to the extent now or hereafter
19 prescribed by local law.

20 SEC. 20. The inferior courts now or hereafter estab-
21 lished by local law shall have jurisdiction, concurrently with
22 the District Court of the Virgin Islands, of all civil causes
23 in which the principal sum claimed does not exceed \$500,
24 all criminal causes wherein the punishment that may be im-
25 posed does not exceed a fine of \$100 or imprisonment for six

1 months, all violations of police and executive regulations, and
2 all causes, civil or criminal, in which jurisdiction may here-
3 after be conferred upon them by local law. The inferior
4 courts shall hold preliminary investigations in charges of
5 felony and charges of misdemeanor in which the punishment
6 that may be imposed is beyond the jurisdiction granted to
7 the inferior courts by this section, and shall commit offenders
8 to the district court and grant bail in bailable cases. The
9 rules governing the inferior courts and prescribing the duties
10 of the judges and officers thereof, oaths and bonds, the times
11 and places of holding court, the disposition of fines, costs and
12 forfeitures, the enforcement of judgments, the procedure for
13 appeals to the district court, and the disposition and treat-
14 ment of prisoners shall be established by law or ordinance
15 in force on the date of approval of this Act or as may here-
16 after be established by the district court.

17 SEC. 21. The President shall, by and with the advice and
18 consent of the Senate, appoint a judge for the District Court
19 of the Virgin Islands, who shall hold office for the term of
20 eight years and until his successor is chosen and qualified,
21 unless sooner removed by the President for cause. The sal-
22 ary of the judge of the district court shall be at the rate of
23 \$15,000 per year. The Chief Justice of the United States
24 may assign any United States circuit or district judge, with

1 his consent, to serve as a judge in the District Court of the
2 Virgin Islands whenever it is made to appear that such an
3 assignment is necessary for the proper dispatch of the busi-
4 ness of the court. The provisions of chapter 49 of title 28,
5 United States Code, shall apply to the District Court of the
6 Virgin Islands. The compensation of the judge of the dis-
7 trict court and the administrative expenses of the court shall
8 be paid from appropriations made for the Judiciary of the
9 United States. The Attorney General shall, as heretofore,
10 appoint a marshal for the Virgin Islands to whose office the
11 provisions of chapter 33 of title 28, United States Code, shall
12 apply.

13 SEC. 22. The Virgin Islands shall consist of two judicial
14 divisions, one constituted by the island of Saint Croix, and
15 one constituted by the islands of Saint Thomas and Saint
16 John. The district court shall hold sessions in each division
17 at such time as the court may designate by rule or order, at
18 least once in three months in each division. The practice and
19 procedure in the district court shall be as prescribed by rules
20 and orders of the court. The process of the district court
21 shall run throughout the Virgin Islands.

22 SEC. 23. In any criminal case originating in the district
23 court, no person shall be denied the right to trial by jury
24 on the demand of either party. If no jury is demanded the

1 ease shall be tried by the judge of the district court without
2 a jury, except that the judge may, on his own motion, order
3 a jury for the trial of any criminal action. The legislature
4 may provide for trial in misdemeanor cases by a jury of six
5 qualified persons.

6 SEC. 24. The President shall, by and with the advice
7 and consent of the Senate, appoint a district attorney for the
8 Virgin Islands, who shall hold office for the term of four
9 years and until his successor is chosen and qualified, unless
10 sooner removed by the President for cause. The district
11 attorney shall conduct all legal proceedings, civil and criminal,
12 for the Government of the United States in the District
13 Court of the Virgin Islands and in the inferior courts of the
14 Virgin Islands. Offenses against the laws of the Virgin
15 Islands shall be prosecuted by him in the name of the people
16 of the Virgin Islands. The district attorney shall perform
17 his duties under the supervision and direction of the Attorney
18 General of the United States. The Attorney General may
19 appoint one or more assistant district attorneys and may
20 authorize the employment of necessary clerical and other
21 assistants. The compensation of the district attorney and his
22 assistants and employees shall be fixed by the Attorney
23 General and their salaries and the other necessary expenses
24 of the office shall be paid from appropriations made to the

1 Department of Justice. In the case of a vacancy in the office
2 of the district attorney, the District Court of the Virgin
3 Islands may appoint a district attorney to serve until the
4 vacancy is filled. The order of appointment by the court
5 shall be filed with the clerk of the court.

6 RESIDENT COMMISSIONER

7 SEC. 25. (a) The Virgin Islands shall be represented
8 by a Resident Commissioner to the United States. The Resi-
9 dent Commissioner shall be elected by the qualified voters
10 of the Virgin Islands at the general election to be held on
11 November 2, 1954, and at the general election every two
12 years thereafter. His term of office shall begin on the 3d
13 day of January following his election and be for a period of
14 four years, and until his successor has been elected and
15 qualified.

16 (b) No person shall be eligible to be Resident Com-
17 missioner from the Virgin Islands unless he possesses all the
18 qualifications of a representative to the legislature. In case
19 of a vacancy in the office of Resident Commissioner, the
20 Governor of the Virgin Islands shall, with the advice and
21 consent of the legislature, appoint a Resident Commissioner,
22 but the person so appointed shall serve only until his succe-
23 sor is elected and qualified, and at the next general election

1 the office shall be filled by election for the remainder of the
2 unexpired term.

3 ~~(c)~~ The Resident Commissioner from the Virgin Islands
4 shall receive compensation payable monthly by the United
5 States. He shall be allowed ~~(1)~~ the same funds for station-
6 ery and for the pay of necessary clerk hire as are allowed
7 Members of the House of Representatives of the United
8 States; ~~(2)~~ the sum of \$500 as mileage for each session
9 of the House of Representatives; and ~~(3)~~ the franking
10 privilege granted Members of Congress. The compensation
11 and mileage of the Resident Commissioner shall be paid by
12 the Sergeant-at-Arms of the House of Representatives in
13 the same manner as the compensation and mileage of Mem-
14 bers of the House of Representatives are paid.

15 ~~(d)~~ Section 601 ~~(a)~~ of the Legislative Reorganization
16 Act of 1946 (60 Stat. 812, 850), as amended ~~(2~~ U. S. C.
17 ~~1946~~ edition, Supp. V, sec. 31), is further amended by
18 striking out "and the Resident Commissioner from Puerto
19 Rico" and inserting in lieu thereof "the Resident Commis-
20 sioner from Puerto Rico; and the Resident Commissioner
21 from the Virgin Islands".

22 ~~(e)~~ Section 601 ~~(b)~~ of the Legislative Reorganization
23 Act of 1946 (60 Stat. 812, 850), as amended ~~(2~~ U. S. C.
24 ~~1946~~ edition, Supp. V, sec. 31a), is further amended by

1 inserting "and Resident Commissioner from the Virgin
2 Islands," after "Puerto Rico,".

3 (f) Section 122 of the Legislative Reorganization Act
4 of 1946 (60 Stat. 812, 830) is amended to read as follows:

5 "DELEGATES AND RESIDENT COMMISSIONERS

6 "SEC. 122. Rule XII of the Standing Rules of the
7 House of Representatives is amended to read as follows:

8 "RULE XII

9 "DELEGATES AND RESIDENT COMMISSIONERS

10 "The Delegate from Hawaii and the Resident Com-
11 missioners to the United States from Puerto Rico and the
12 Virgin Islands shall be elected to serve as additional mem-
13 bers on the Committees on Agriculture, Armed Services, and
14 Interior and Insular Affairs, and the Delegate from Alaska
15 shall be elected to serve as an additional member on the
16 Committee on Agriculture, Armed Services, Merchant
17 Marine and Fisheries, and Interior and Insular Affairs; and
18 they shall possess in such committees the same powers and
19 privileges as in the House, and may make any motion except
20 to reconsider.' "

21 (g) Section 3A (10) of the Civil Service Retirement
22 Act of May 29, 1930 (46 Stat. 468), as amended (5
23 U. S. C., 1946 edition, sec. 693-1 (10)), is further amended
24 by striking out "or the Resident Commissioner from Puerto

1 Rico” and inserting in lieu thereof “the Resident Commis-
2 sioner from Puerto Rico, or the Resident Commissioner
3 from the Virgin Islands”.

4 ~~(h)~~ The second and fourth provisos in section 1 of the
5 Act entitled "An Act to increase clerk hire, and for other
6 purposes", approved December 20, 1944 (58 Stat. 831),
7 as amended (2 U. S. C., 1946 edition, Supp. V, see 60g),
8 are further amended by striking out "the Resident Commis-
9 sioner from Puerto Rico" and inserting in lieu thereof
10 "Resident Commissioners".

(i) The fifth paragraph in the joint resolution entitled “Joint resolution relating to the assignment of space in the House Office Building”, approved May 28, 1908 (35 Stat. 579), as amended (40 U. S. C., 1946 edition, see 182) is further amended to read as follows:

16 “In the matter of the assignment of rooms under this
17 resolution, Delegates and Resident Commssioners shall be
18 treated the same as Representatives.”

19 FISCAL PROVISIONS

20 SEC. 26. (a) The proceeds of customs duties, the pro-
21 ceeds of the United States income tax, the proceeds of any
22 taxes levied by the Congress on the inhabitants of the
23 Virgin Islands, and the proceeds of all quarantine, passport,
24 immigration, and naturalization fees collected in the Virgin
25 Islands, less the cost of collecting all of said duties, taxes,

1 and fees, shall be covered in the treasury of the Virgin
2 Islands, and shall be available for expenditure as the
3 Legislature of the Virgin Islands may provide.

4 (6) Subchapter B of chapter 28 of the Internal Revenue
5 Code is amended by adding to section 3350 thereof the
6 following subsection:

7 “(e) DISPOSITION OF INTERNAL REVENUE COLLEC-
8 TIONS.—Beginning with the fiscal year ending June 30,
9 1954, the Secretary of the Treasury shall determine the
10 amount of all taxes imposed by, and collected during the
11 previous month under, the internal revenue laws of the
12 United States on articles produced in the Virgin Islands of
13 the United States and transported to the United States. The
14 amounts so determined less 1 per centum and less the esti-
15 mated amounts of refunds or credits shall be transferred and
16 paid over each month to the Government of the Virgin
17 Islands for expenditure as the Legislature of the Virgin
18 Islands may provide: *Provided*, That all sums paid into the
19 treasury of the Virgin Islands under this subsection shall
20 constitute a separate fund to be expended only for projects
21 or purposes approved by the President or his designated
22 representative.”

23 SEC. 27. (a) Taxes and assessments on property and
24 incomes, internal revenue taxes, license fees, and service fees
25 may be imposed and collected, and royalties for franchises,

1 privileges, and concessions granted may be collected for the
2 purposes of the Government of the Virgin Islands as may be
3 provided and defined by the legislature: *Provided*, That all
4 money hereafter derived from any tax levied or assessed for
5 a special purpose shall be treated as a special fund in the
6 treasury of the Virgin Islands and paid out for such purpose
7 only, except when otherwise authorized by the legislature
8 after the purpose for which such fund was created has been
9 accomplished.

10 (b) All laws concerning import duties and customs in
11 force and effect in and for the Virgin Islands on the date of
12 approval of this Act shall continue in force and effect until
13 otherwise provided by the Congress: *Provided*, That the
14 Secretary of the Treasury shall designate the several ports
15 and subports of entry in the Virgin Islands and shall make
16 such rules and regulations and appoint such officers and
17 employees as he may deem necessary for the administration
18 of the customs laws in the Virgin Islands; and he shall fix
19 the compensation of all such officers and employees and
20 provide for the payment of such compensations and other
21 expenses of the collection of duties, fees, and taxes imposed
22 under the customs laws from the receipts thereof. The ex-
23 port duties in effect on the date of approval of this Act may
24 be from time to time reduced, repealed, or restored by act

1 of the legislature, but no new export duties shall be levied
2 in the Virgin Islands except by the Congress.

3 MISCELLANEOUS PROVISIONS

4 SEC. 28. All officials of the Government of the Virgin
5 Islands shall be citizens of the United States, and before
6 entering upon the duties of their respective offices shall take
7 an oath to support the Constitution and the laws of the United
8 States applicable to the Virgin Islands and the laws of the
9 Virgin Islands.

10 SEC. 29. All reports required by law to be made by the
11 Governor to any official of the United States shall hereafter
12 be made to the Secretary of the Interior, and the President
13 is hereby authorized to place all matters pertaining to the
14 Government of the Virgin Islands under the jurisdiction of
15 the Secretary of the Interior, except matters relating to the
16 judicial branch of said government which on the date of
17 approval of this Act are under the supervision of the Director
18 of the Administrative Office of the United States Courts.

19 SEC. 30. (a) The Secretary of the Interior shall be au-
20 thorized to lease or to sell upon such terms as he may deem
21 advantageous to the Government of the United States any
22 property of the United States under his administrative super-
23 vision in the Virgin Islands not needed for public purposes.

24 (b) The Government of the Virgin Islands shall con-

1 time to have control over all public property that is under
2 its control on the date of approval of this Act.

3 SEC. 31. This Act shall take effect upon its approval,
4 but until its provisions shall severally become operative as
5 herein provided, the corresponding legislative, executive, and
6 judicial functions of the existing government shall continue
7 to be exercised as now provided by law or ordinance, and the
8 incumbents of all offices under the Government of the Virgin
9 Islands shall continue in office until their successors are ap-
10 pointed and have qualified unless sooner removed by com-
11 petent authority.

12 SEC. 32. Except to the extent necessary to implement
13 the provisions of section 31, the Act of June 22, 1936 (49
14 Stat. 1807), and any other provisions of law inconsistent
15 with this Act are hereby repealed.

16 *That this Act may be cited as the "Revised Organic Act*
17 *of the Virgin Islands".*

18 SEC. 2. (a) *The provisions of this Act, and the name*
19 *"Virgin Islands" as used in this Act, shall apply to and*
20 *include the territorial domain, islands, cays, and waters ac-*
21 *quired by the United States through cession of the Danish*
22 *West Indian Islands by the convention between the United*
23 *States of America and His Majesty the King of Denmark*
24 *entered into August 4, 1916, and ratified by the Senate on*
25 *September 7, 1916 (39 Stat. 1706).*

1 (b) *The government of the Virgin Islands shall have*
 2 *the powers set forth in this Act and shall have the right to*
 3 *sue by such name, and in cases arising out of contract, to*
 4 *be sued: Provided, That no tort action shall be brought*
 5 *against the government of the Virgin Islands or against any*
 6 *officer or employee thereof in his official capacity without the*
 7 *consent of the legislature constituted by this Act.*

8 *The capital and seat of government of the Virgin Islands*
 9 *shall be located at the city of Charlotte Amalie, in the island*
 10 *of Saint Thomas.*

11 BILL OF RIGHTS

12 *SEC. 3. No law shall be enacted in the Virgin Islands*
 13 *which shall deprive any person of life, liberty, or property*
 14 *without due process of law or deny to any person therein*
 15 *equal protection of the laws.*

16 *In all criminal prosecutions the accused shall enjoy the*
 17 *right to be represented by counsel for his defense, to be in-*
 18 *formed of the nature and cause of the accusation, to have*
 19 *a copy thereof, to have a speedy and public trial, to be*
 20 *confronted with the witnesses against him, and to have com-*
 21 *pulsory process for obtaining witnesses in his favor.*

22 *No person shall be held to answer for a criminal offense*
 23 *without due process of law, and no person for the same*
 24 *offense shall be twice put in jeopardy of punishment, nor*

1 shall be compelled in any criminal cause to give evidence
2 against himself; nor shall any person sit as judge or magis-
3 trate in any case in which he has been engaged as attorney
4 or prosecutor.

5 All persons shall be bailable by sufficient sureties in the
6 case of criminal offenses, except for first-degree murder or
7 any capital offense when the proof is evident or the presump-
8 tion great.

9 Excessive bail shall not be required, nor excessive fines
10 imposed, nor cruel and unusual punishment inflicted.

11 No law impairing the obligation of contracts shall be
12 enacted.

13 No person shall be imprisoned or shall suffer forced
14 labor for debt.

15 All persons shall have the privilege of the writ of habeas
16 corpus and the same shall not be suspended except as herein
17 expressly provided.

18 No ex post facto law or bill of attainder shall be enacted.

19 Private property shall not be taken for public use except
20 upon payment of just compensation ascertained in the man-
21 ner provided by law.

22 The right to be secure against unreasonable searches and
23 seizures shall not be violated.

1 *No warrant for arrest or search shall issue, but upon*
2 *probable cause, supported by oath or affirmation, and par-*
3 *ticularly describing the place to be searched and the persons*
4 *or things to be seized.*

5 *Slavery shall not exist in the Virgin Islands.*

6 *Involuntary servitude, except as a punishment for crime*
7 *whereof the party shall have been duly convicted by a court*
8 *of law, shall not exist in the Virgin Islands.*

9 *No law shall be passed abridging the freedom of speech*
10 *or of the press or the right of the people peaceably to*
11 *assemble and petition the government for the redress of*
12 *grievances.*

13 *No law shall be made respecting an establishment of*
14 *religion or prohibiting the free exercise thereof, and the free*
15 *exercise and enjoyment of religious profession and worship*
16 *without discrimination or preference shall forever be allowed,*
17 *and no political or religious test other than an oath to sup-*
18 *port the Constitution and the laws of the United States ap-*
19 *plicable to the Virgin Islands, and the laws of the Virgin*
20 *Islands, shall be required as a qualification to any office or*
21 *public trust under the government of the Virgin Islands.*

22 *No money shall be paid out of the treasury except in*
23 *accordance with an Act of Congress or money bill of the*
24 *legislature and on warrant drawn by the proper officer.*

1 *The contracting of polygamous or plural marriages is*
2 *prohibited.*

3 *The employment of children under the age of sixteen*
4 *years in any occupation injurious to health or morals or*
5 *hazardous to life or limb is prohibited.*

6 *Nothing contained in this Act shall be construed to limit*
7 *the power of the legislature herein provided to enact laws for*
8 *the protection of life, the public health, or the public safety.*

9 FRANCHISE

10 *SEC. 4. The franchise shall be vested in residents of the*
11 *Virgin Islands who are citizens of the United States, twenty-*
12 *one years of age or over. Additional qualifications may be*
13 *prescribed by the legislature: Provided, however, That no*
14 *property, language, or income qualification shall ever be*
15 *imposed upon or required of any voter, nor shall any dis-*
16 *crimination in qualification be made or based upon difference*
17 *in race, color, sex, or religious belief.*

18 *LEGISLATIVE BRANCH*

19 *SEC. 5. (a) The legislative power and authority of the*
20 *Virgin Islands shall be vested in a legislature, consisting of*
21 *one house, to be designated the “Legislature of the Virgin*
22 *Islands”, herein referred to as the legislature.*

23 (b) The legislature shall be composed of eleven
24 members to be known as senators. Two senators shall
25 be elected by the qualified electors of the District of

1 *Saint Thomas; two senators shall be elected by the*
2 *qualified electors of the District of Saint Croix; and one*
3 *senator shall be elected by the qualified electors of the Dis-*
4 *trict of Saint John; which districts are hereby established.*
5 *The other six senators shall be senators at large and shall be*
6 *elected by the qualified electors of the Virgin Islands from*
7 *the Virgin Islands as a whole: Provided, That in the election*
8 *of senators at large, each elector shall be entitled to vote for*
9 *four candidates, and the candidates receiving the largest*
10 *number of votes shall be declared elected up to the number*
11 *to be elected at that election. The order of names upon the*
12 *ballot shall be determined by lot among the candidates.*

13 *SEC. 6. (a) The term of office of each member of the*
14 *legislature shall be two years. The term of office of each*
15 *member shall commence on the second Monday in January*
16 *following his election.*

17 *(b) No person shall be eligible to be a member of the*
18 *legislature who is not a citizen of the United States, who*
19 *has not attained the age of twenty-five years, who is not a*
20 *qualified voter in the Virgin Islands, who has not been a*
21 *bona fide resident of the Virgin Islands for at least three*
22 *years next preceding the date of his election, or who has*
23 *been convicted of a felony or of a crime involving moral*
24 *turpitude and has not received a pardon restoring his civil*
25 *rights. Federal employees and persons employed in the*

1 legislative, executive, or judicial branches of the government
2 of the Virgin Islands shall not be eligible for membership in
3 the legislature.

4 (c) All officers and employees charged with the duty
5 of directing the administration of the electoral system of the
6 Virgin Islands and its representative districts shall be ap-
7 pointed in such manner as the legislature may by law direct.

8 (d) No member of the legislature shall be held to
9 answer before any tribunal other than the legislature for
10 any speech or debate in the legislature and the members shall
11 in all cases, except treason, felony, or breach of the peace,
12 be privileged from arrest during their attendance at the
13 sessions of the legislature and in going to and returning from
14 the same.

15 (e) Each member of the legislature shall be paid the
16 sum of \$600 annually, one-third on the second Monday in
17 January, one-third on the second Monday in February and
18 one-third at the close of the regular session. Each member
19 of the legislature who is away from the island of his residence
20 shall also receive the sum of \$10 per day for each day's
21 attendance while the legislature is actually in session, in lieu
22 of his expenses for subsistence, and shall be reimbursed for
23 his actual travel expenses in going to and returning from
24 each session, or period thereof, for not to exceed a total of

1 *eight round trips during any calendar year. The salaries,*
2 *per diem, and travel allowances of the members of the legis-*
3 *lature shall be paid by the Government of the Virgin Islands.*

4 *(f) No member of the legislature shall hold or be ap-*
5 *pointed to any office which has been created by the legis-*
6 *lature, or the salary or emoluments of which have been*
7 *increased, while he was a member, during the term for which*
8 *he was elected, or during one year after the expiration of such*
9 *term.*

10 *(g) The legislature shall be the sole judge of the elec-*
11 *tions and qualifications of its members, shall have and exer-*
12 *cise all the authority and attributes inherent in legislative*
13 *assemblies, and shall have the power to institute and conduct*
14 *investigations, issue subpena to witnesses and other parties*
15 *concerned, and administer oaths. The rules of the Legisla-*
16 *tive Assembly of the Virgin Islands existing on the date of*
17 *approval of this Act shall continue in force and effect for*
18 *sessions of the legislature, except as inconsistent with this*
19 *Act, until altered, amended, or repealed by the legislature.*

20 *(h) The judge for the District Court of the Virgin*
21 *Islands shall fill any vacancy in the office of member of*
22 *the legislature by appointment from a panel of three names*
23 *supplied by the legislature. If the vacant office is that of a*
24 *senator from a district, the person appointed shall be a*

1 *resident of the district from which the member whose office*
2 *is vacant was elected. If the vacant office is that of a*
3 *representative at large, the residence of the person appointed*
4 *shall not be material. In any case, the person appointed*
5 *shall serve for the remainder of the unexpired term.*

6 *SEC. 7. (a) Regular sessions of the legislature shall be*
7 *held annually, commencing on the second Monday in Janu-*
8 *ary, and shall continue in regular session for not more than*
9 *sixty consecutive calendar days in any calendar year. The*
10 *Governor may call special sessions of the legislature at any*
11 *time when in his opinion the public interests may require*
12 *it, but no special session shall continue longer than fifteen*
13 *calendar days, and the aggregate of such special sessions*
14 *during any calendar year shall not exceed thirty calendar*
15 *days. No legislation shall be considered at any special*
16 *session other than that specified in the call therefor or in any*
17 *special message by the Governor to the legislature while in*
18 *such session.*

19 *(b) Sessions of the legislature shall be held in the capital*
20 *of the Virgin Islands at Charlotte Amalie, Saint Thomas.*

21 *SEC. 8. (a) The legislative authority and power of the*
22 *Virgin Islands shall extend to all subjects of local applica-*
23 *tion not inconsistent with this Act or the laws of the United*
24 *States made applicable to the Virgin Islands, but no law*
25 *shall be enacted which would impair rights existing or aris-*

1 *ing by virtue of any treaty or international agreement entered*
2 *into by the United States, nor shall the lands or other prop-*
3 *erty of nonresidents be taxed at a higher rate than the lands*
4 *or other property of residents.*

5 *(b) The laws of the United States applicable to the*
6 *Virgin Islands on the date of approval of this Act, includ-*
7 *ing laws made applicable to the Virgin Islands by or pur-*
8 *suant to the provisions of the Act of June 22, 1936 (49*
9 *Stat. 1807), and all local laws and ordinances in force in*
10 *the Virgin Islands on the date of approval of this Act shall,*
11 *to the extent they are not inconsistent with this Act, con-*
12 *tinue in force and effect until otherwise provided by the Con-*
13 *gress: Provided, That the legislature shall have power, when*
14 *within its jurisdiction and not inconsistent with the other*
15 *provisions of this Act, to amend, alter, modify, or repeal any*
16 *local law or ordinance, public or private, civil or criminal,*
17 *continued in force and effect by this Act, except as herein*
18 *otherwise provided, and to enact new laws not inconsistent*
19 *with any law of the United States applicable to the Virgin*
20 *Islands, subject to the power of Congress to annul any such*
21 *act of the legislature.*

22 *(c) The President of the United States shall appoint a*
23 *commission of seven persons, at least three of whom shall*
24 *be residents of the Virgin Islands, to survey the field of*
25 *Federal statutes and to make recommendations to the Con-*

1 gress within twelve months after the date of approval of this
2 Act as to which statutes of the United States not applicable to
3 the Virgin Islands on such date should be made applicable to
4 the Virgin Islands, and as to which statutes of the United
5 States applicable to the Virgin Islands on such date should
6 be declared inapplicable. The members of the commission
7 shall receive no salary for their service on the commission,
8 but under regulations and in amounts prescribed by the Secre-
9 tary of the Interior, they may be paid, out of Federal funds,
10 reasonable per diem fees, and allowances in lieu of subsistence
11 expenses, for attendance at meetings of the commission, and
12 for time spent on official business of the commission, and
13 their necessary travel expenses to and from meetings or when
14 upon such official business, without regard to the Travel
15 Expense Act of 1949.

16 (d) The Secretary of the Interior shall arrange for the
17 preparation, at Federal expense, of a code of laws of the
18 Virgin Islands, to be entitled the "Virgin Islands Code",
19 which shall be a consolidation, codification, and revision of
20 the local laws and ordinances in force in the Virgin Islands.
21 When prepared, the Governor shall submit it, together
22 with his recommendations, to the legislature for enactment.
23 Upon the enactment of the Virgin Islands Code it and any
24 supplements to it shall be printed, at Federal expense, by the
25 Government Printing Office as a public document.

1 *SEC. 9. (a) The quorum of the legislature shall consist of*
2 *seven of its members. No bill shall become a law unless it*
3 *shall have been passed at a meeting at which a quorum was*
4 *present, by the affirmative vote of a majority of the members*
5 *present and voting, which vote shall be by yeas and nays.*

6 *(b) The enacting clause of all acts shall be as follows:*
7 *“Be it enacted by the Legislature of the Virgin Islands”.*

8 *(c) The Governor shall submit at the opening of each*
9 *regular session of the legislature a message on the state of*
10 *the Virgin Islands and a budget of estimated receipts and*
11 *expenditures, which shall be the basis of the appropriation*
12 *bills for the ensuing fiscal year.*

13 *(d) Every bill passed by the legislature shall, before it*
14 *becomes a law, be presented to the Governor. If the Gov-*
15 *ernor approves the bill, he shall sign it. If the Governor*
16 *disapproves the bill, he shall, except as hereinafter pro-*
17 *vided, return it, with his objections, to the legislature within*
18 *ten days (Sundays excepted) after it shall have been pre-*
19 *sented to him. If the Governor does not return the bill*
20 *within such period, it shall be a law in like manner as if he*
21 *had signed it, unless the legislature by adjournment prevents*
22 *its return, in which case it shall be a law if signed by the*
23 *Governor within thirty days after it shall have been presented*
24 *to him; otherwise it shall not be a law. When a bill is re-*
25 *turned by the Governor to the legislature with his objections,*

1 the legislature shall enter his objections at large on its
2 journal and proceed to reconsider the bill. If, after such
3 reconsideration, two-thirds of all the members of the legisla-
4 ture agree to pass the bill, it shall be presented anew to the
5 Governor. If he then approves it, he shall sign it; if not, he
6 shall within ten days after it has been presented to him trans-
7 mit it to the President of the United States. If the President
8 approves the bill, he shall sign it. If he disapproves the bill,
9 he shall return it to the Governor, so stating, and it shall not
10 be a law. If the President neither approves nor disapproves
11 the bill within ninety days from the date on which it is trans-
12 mitted to him by the Governor, the bill shall be a law in like
13 manner as if the President had signed it. If any bill pre-
14 sented to the Governor contains several items of appropria-
15 tion of money, he may object to one or more of such items,
16 or any part or parts, portion or portions thereof, while ap-
17 proving the other items, parts, or portions of the bill. In
18 such a case he shall append to the bill, at the time of signing
19 it, a statement of the items, or parts or portions thereof, to
20 which he objects, and the items, or parts or portions thereof,
21 so objected to shall not take effect.

22 (e) If at the termination of any fiscal year the legisla-
23 ture shall have failed to pass appropriation bills providing for
24 payment of the obligations and necessary current expenses
25 of the government of the Virgin Islands for the ensuing fiscal

1 year, then the several sums appropriated in the last appro-
2 priation bills for the objects and purposes therein specified,
3 so far as the same may be applicable, shall be deemed to be
4 reappropriated item by item.

5 (f) The legislature shall keep a journal of its proceed-
6 ings and publish the same. Every bill passed by the legis-
7 lature and the yeas and nays on any question shall be
8 entered on the journal.

9 (g) Copies of all laws enacted by the legislature shall be
10 transmitted within fifteen days of their enactment by the Gov-
11 ernor to the Secretary of the Interior and by him annually
12 to the Congress of the United States.

13 SEC. 10. The next general election in the Virgin Islands
14 shall be held on November 2, 1954. At such time there
15 shall be chosen the entire membership of the legislature as
16 herein provided. Thereafter the general elections shall be
17 held on the first Tuesday after the first Monday in Novem-
18 ber, beginning with the year 1956, and every two years
19 thereafter. The Municipal Council of Saint Thomas and
20 Saint John, and the Municipal Council of Saint Croix; exist-
21 ing on the date of approval of this Act, shall continue to
22 function until January 10, 1955, at which time all of the
23 functions, property, personnel, records, and unexpended bal-
24 ances of appropriations of the governments of said municipal-

ities shall be transferred to the government of the Virgin Islands.

EXECUTIVE BRANCH

SEC. 11. The executive power of the Virgin Islands shall be vested in an executive officer whose official title shall be the "Governor of the Virgin Islands", and shall be exercised under the supervision of the Secretary of the Interior. The Governor of the Virgin Islands shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President and until his successor is chosen and qualified. The Governor shall reside in Saint Thomas during his official incumbency. He shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and may grant respites for all offenses against the laws of the United States applicable in the Virgin Islands until the decision of the President can be ascertained. He may veto any legislation as provided in this Act. He shall appoint all officers and employees of the executive branch of the government of the Virgin Islands, except as otherwise provided in this or any other Act of Congress, and shall commission all

1 officers that he may be authorized to appoint. He shall be
2 responsible for the faithful execution of the laws of the Virgin
3 Islands and the laws of the United States applicable in the
4 Virgin Islands. Whenever it becomes necessary he may call
5 upon the commanders of the military and naval forces of the
6 United States in the islands, or summon the posse comitatus,
7 or call out the militia, to prevent or suppress violence, in-
8 vasion, insurrection, or rebellion; and he may, in case of re-
9 bellion or invasion, or imminent danger thereof, when the
10 public safety requires it, suspend the privilege of
11 the writ of habeas corpus, or place the islands, or any
12 part thereof, under martial law, until communication can
13 be had with the President and the President's decision
14 thereon made known. He shall annually, and at such
15 other times as the President or the Congress may re-
16 quire, make official report of the transactions of the
17 government of the Virgin Islands to the Secretary of
18 the Interior, and his said annual report shall be transmitted
19 to the Congress. He shall perform such additional duties
20 and functions as may, in pursuance of law, be delegated to
21 him by the President, or by the Secretary of the Interior.
22 He shall have the power to issue executive regulations not
23 in conflict with any applicable law. He may attend or may
24 designate another person to represent him at the meetings

1 of the legislature, may give expression to his views on
2 any matter before that body, and may recommend bills to
3 the legislature.

4 *SEC. 12. The President shall appoint a government sec-*
5 *retary for the Virgin Islands, who shall reside in Saint Croix*
6 *during his official incumbency. He shall have custody of the*
7 *seal of the Virgin Islands and shall countersign and affix such*
8 *seal to all executive proclamations and all other executive*
9 *documents. He shall record and preserve the laws enacted*
10 *by the legislature. He shall promulgate all proclamations*
11 *and orders of the Governor and all laws enacted by the legis-*
12 *lature. He shall have such executive powers and perform*
13 *such other duties as may be assigned to him by the Governor.*
14 *He shall also serve as the Administrator for Saint Croix,*
15 *without additional compensation, and in that capacity shall*
16 *act for the Governor in the administration of the affairs of*
17 *Saint Croix.*

18 *SEC. 13. In case of a vacancy in the office of Governor*
19 *or the disability or temporary absence of the Governor, the*
20 *government secretary shall have all the powers of the Gov-*
21 *ernor.*

22 *SEC. 14. The Secretary of the Interior may from time*
23 *to time designate the head of an executive department of the*
24 *government of the Virgin Islands to act as Governor in the*
25 *case of a vacancy in the offices, or the disability or temporary*

1 absence, of both the Governor and the government secretary,
2 and the person so designated shall have all the powers of the
3 Governor for so long as such condition continues.

4 SEC. 15. (a) The Governor shall, within one year after
5 the date of approval of this Act, reorganize and consolidate
6 the existing executive departments, bureaus, independent
7 boards, agencies, authorities, commissions, and other instru-
8 mentalities of the government of the Virgin Islands or of the
9 municipal governments, except for independent bodies whose
10 existence may be required by Federal law for participation in
11 Federal programs, into the following executive departments:
12 a department of finance, the head of which shall be designated
13 as the treasurer; a department of public works, the head of
14 which shall be designated as the commissioner of public
15 works; a department of education, the head of which shall be
16 designated as the commissioner of education; a department of
17 commerce and industry, the head of which shall be designated
18 as the commissioner of commerce and industry; a department
19 of health and welfare, the head of which shall be designated
20 as the commissioner of health and welfare; and a department
21 of agriculture and labor, the head of which shall be designated
22 as the commissioner of agriculture and labor. No other de-
23 partment, bureau, independent board, agency, authority,
24 commission, or other instrumentality shall be created, organ-
25 ized, or established by the Governor or the legislature, with-

1 out the prior approval of the Secretary of the Interior, unless
2 required by Federal law for participation in Federal
3 programs.

4 (b) The Governor shall, from time to time, examine
5 the organization of the executive branch of the government
6 of the Virgin Islands, and shall make such changes therein,
7 not inconsistent with this Act, as he determines are neces-
8 sary to promote effective management and to execute faith-
9 fully the purposes of this Act and the laws of the Virgin
10 Islands.

11 (c) The heads of the executive departments created by
12 this Act shall be appointed by the Governor, with the advice
13 and consent of the legislature. Each shall hold office during
14 the continuance in office of the Governor by whom he is
15 appointed and until his successor is appointed and quali-
16 fied, unless sooner removed by the Governor. Each shall
17 have such powers and duties as may be prescribed by the
18 legislature.

19 SEC. 16. (a) The Secretary of the Interior shall ap-
20 point a government comptroller who shall be nominated
21 by the Comptroller General of the United States and who
22 shall receive a salary of \$12,500 per annum. The govern-
23 ment comptroller shall hold office for a term of ten years and
24 until his successor is appointed and qualified, unless sooner

1 removed by the President for cause. The government comp-
2 troller shall not be eligible for reappointment.

3 (b) The government comptroller shall establish and
4 maintain appropriate general accounts for revenues and re-
5 ceipts accrued, and collected or abated, for the bonded in-
6 debtedness of the Virgin Islands, for the cash with account-
7 able officers and for appropriations and property of the gov-
8 ernment of the Virgin Islands and accounts pertaining to the
9 funds and property held in trust by the government or any
10 of its branches.

11 (c) The jurisdiction of the government comptroller over
12 the accounts whether of funds or property, and all vouchers
13 and records pertaining thereto, shall be exclusive.

14 (d) He shall from time to time make and promulgate
15 general or special rules and regulations not inconsistent with
16 law covering the methods of accounting for public funds and
17 property, and funds and property held in trust by the gov-
18 ernment or any of its branches.

19 (e) The government comptroller shall examine, adjust,
20 decide, audit, and settle all accounts and claims pertaining
21 to the revenues and receipts from whatever source of the
22 government of the Virgin Islands and of funds derived from
23 bond issues; and he shall examine, audit, and settle, in ac-
24 cordance with law and administrative regulations, all ex-

1 *penditures of funds and property pertaining to the govern-*
2 *ment of the Virgin Islands including those pertaining to trust*
3 *funds held by the government of the Virgin Islands.*

4 (f) *It shall be the duty of the government comptroller to*
5 *bring to the attention of the proper administrative officer*
6 *failures to collect amounts due the government, and expendi-*
7 *tures of funds or property which in his opinion are extrava-*
8 *gant, excessive, unnecessary, or irregular.*

9 (g) *It shall be the duty of the government comptroller*
10 *to certify to the Secretary of the Interior the net amount of*
11 *government revenues which form the basis for Federal*
12 *grants for the civil government of the Virgin Islands.*

13 (h) *The decisions of the government comptroller shall*
14 *be final except that appeal therefrom may be taken by the*
15 *party aggrieved or the head of the department concerned*
16 *within one year from the date of the decision, to the Gov-*
17 *ernor, which appeal shall be in writing and shall specifically*
18 *set forth the particular action of the government comptroller*
19 *to which exception is taken with the reasons and the au-*
20 *thorities relied upon for reversing such decision.*

21 (i) *If the Governor confirms the decision of the govern-*
22 *ment comptroller, then relief may be sought by appeal to*
23 *the legislature or to the District Court of the Virgin Islands.*

24 (j) *The government comptroller shall, except as may be*
25 *otherwise provided, have like authority as that conferred by*

1 law on the Comptroller General of the United States, and is
2 authorized to communicate directly with any person having
3 claims before him for settlement, or with any department
4 officer or person having official relation with his office. He
5 may summon witnesses and administer oaths.

6 (k) As soon after the close of each fiscal year as the ac-
7 counts of said fiscal year may be examined and adjusted, the
8 government comptroller shall submit to the Governor of the
9 Virgin Islands an annual report of the fiscal condition of the
10 government, showing the receipts and disbursements of the
11 various departments and agencies of the government, classi-
12 fied according to municipalities.

13 (l) The government comptroller shall make such other
14 reports as may be required by the Governor of the Virgin
15 Islands, the Comptroller General of the United States, or the
16 Secretary of the Interior.

17 (m) The office of the government comptroller shall be
18 under the general supervision of the Governor, but shall not
19 be a part of any executive department in the government
20 of the Virgin Islands.

21 SYSTEM OF ACCOUNTS

22 SEC. 17. The system of accounts for the government of
23 the Virgin Islands shall be prescribed by the Comptroller
24 General of the United States.

25 SEC. 18. The fiscal transactions and accounts of the gov-

1 *ernment of the Virgin Islands, including special and trust*
2 *funds administered by the government of the Virgin Islands*
3 *shall be subject to review annually by the Comptroller Gen-*
4 *eral of the United States, and report thereon shall be made*
5 *by him to the Governor, the Secretary of the Interior, and*
6 *to the Congress.*

7 *SEC. 19. (a) The Governor shall receive an annual sat-*
8 *ary at the rate provided for Governors of Territories and*
9 *possessions in the Executive Pay Act of 1949.*

10 *(b) The government secretary, the heads of the execu-*
11 *tive departments, and the members of the immediate staffs*
12 *of the Governor and the government secretary shall receive*
13 *annual salaries at rates established by the Secretary of the*
14 *Interior in accordance with the standards provided in the*
15 *Classification Act of 1949.*

16 *(c) The salaries of the Governor, the government sec-*
17 *retary, and the members of their immediate staffs shall be*
18 *paid by the United States. The salaries of the government*
19 *comptroller and the heads of the executive departments shall*
20 *be paid by the government of the Virgin Islands; and if the*
21 *legislature shall fail to make an appropriation for such sal-*
22 *aries, the salaries theretofore fixed shall be paid without the*
23 *necessity of further appropriations therefor.*

JUDICIAL BRANCH

1

2 *SEC. 20. The judicial power of the Virgin Islands shall*
3 *be vested in a court of record to be designated the "District*
4 *Court of the Virgin Islands", and in such court or courts of*
5 *inferior jurisdiction as may have been or may hereafter be*
6 *established by local law.*

7 *SEC. 21. The District Court of the Virgin Islands shall*
8 *have the jurisdiction of a district court of the United States in*
9 *all causes arising under the Constitution, treaties and laws of*
10 *the United States. It shall have general original jurisdic-*
11 *tion in all civil actions arising under the local law in force*
12 *in the Virgin Islands wherein the matter in controversy*
13 *exceeds the sum or value of \$500, exclusive of interest and*
14 *costs. It shall have general original jurisdiction in all crim-*
15 *inal cases involving offenses against the local law in force*
16 *in the Virgin Islands where the minimum punishment which*
17 *may be imposed exceeds a fine of \$100 or imprisonment for*
18 *six months or both. The district court shall also have ap-*
19 *pellate jurisdiction to review the judgments and orders of the*
20 *inferior courts of the Virgin Islands to the extent now or*
21 *hereafter prescribed by local law.*

22 *SEC. 22. The inferior courts now or hereafter estab-*
23 *lished by local law shall have jurisdiction of all civil actions*

1 wherein the matter in controversy does not exceed the sum or
2 value of \$500, exclusive of interest and costs, all criminal
3 cases wherein the maximum punishment which may be im-
4 posed does not exceed a fine of \$100 or imprisonment for six
5 months, or both, all violations of police and executive regula-
6 tions, and all actions, civil or criminal, jurisdiction of which
7 may hereafter be conferred upon them by local law. The
8 inferior courts shall hold preliminary investigations in
9 charges of felony and charges of misdemeanor in which the
10 punishment that may be imposed is beyond the jurisdiction
11 granted to the inferior courts by this section, and shall commit
12 offenders to district court and grant bail in bailable cases.
13 The rules governing the inferior courts and prescribing the
14 duties of the judges and officers thereof, oaths and bonds, the
15 times and places of holding court, and the procedure for
16 appeals to the district court shall be as may hereafter be estab-
17 lished by the district court. The rules governing disposition
18 of fines, costs and forfeitures, enforcement of judgments, and
19 disposition and treatment of prisoners shall be as established
20 by law or ordinance in force on the date of approval of this
21 Act or as may hereafter be so established.

22 SEC. 23. The President shall, by and with the advice and
23 consent of the Senate, appoint a judge for the District Court
24 of the Virgin Islands, who shall hold office for the term of
25 eight years and until his successor is chosen and qualified,

1 unless sooner removed by the President for cause. The salary
2 of the judge of the district court shall be at the rate prescribed
3 for judges of the United States district courts. The Chief
4 Justice of the United States may assign any United States
5 circuit or district judge, with his consent, to serve as a judge
6 in the District Court of the Virgin Islands whenever it is
7 made to appear that such an assignment is necessary for the
8 proper dispatch of the business of the court. The provisions
9 of chapter 49 of title 28, United States Code, shall apply to
10 the District Court of the Virgin Islands. The compensation
11 of the judge of the district court and the administrative ex-
12 penses of the court shall be paid from appropriations made
13 for the judiciary of the United States. The Attorney Gen-
14 eral shall, as heretofore, appoint a marshal for the Virgin
15 Islands to whose office the provisions of chapter 33 of title
16 28, United States Code, shall apply.

17 SEC. 24. The Virgin Islands shall consist of two judicial
18 divisions, one constituted by the island of Saint Croix, and one
19 constituted by the islands of Saint Thomas and Saint John.
20 The district court shall hold sessions in each division at such
21 time as the court may designate by rule or order, at least once
22 in three months in each division. The practice and procedure
23 in the district court shall be as prescribed by rules and orders
24 of the court. The process of the district court shall run
25 throughout the Virgin Islands.

1 *SEC. 25. In any criminal case originating in the district*
2 *court, no person shall be denied the right to trial by jury on*
3 *the demand of either party. If no jury is demanded the case*
4 *shall be tried by the judge of the district court without a*
5 *jury, except that the judge may, on his own motion, order a*
6 *jury for the trial of any criminal action. The legislature may*
7 *provide for trial in misdemeanor cases by a jury of six*
8 *qualified persons.*

9 *SEC. 26. The President shall, by and with the advice*
10 *and consent of the Senate, appoint a district attorney for the*
11 *Virgin Islands, who shall hold office for the term of four years*
12 *and until his successor is chosen and qualified, unless sooner*
13 *removed by the President for cause. The district attorney*
14 *shall conduct all legal proceedings, civil and criminal, to*
15 *which the Government of the United States is a party in the*
16 *District Court of the Virgin Islands and in the inferior courts*
17 *of the Virgin Islands, and to which the government of the*
18 *Virgin Islands is a party in the District Court of the Virgin*
19 *Islands. Offenses against the laws of the Virgin Islands*
20 *shall be prosecuted in the name of the people of the Virgin*
21 *Islands. He shall also serve as legal adviser to the Governor.*
22 *The district attorney shall perform his duties under the super-*
23 *vision and direction of the Attorney General of the United*
24 *States. The Attorney General shall appoint one assistant*
25 *district attorney who shall conduct all proceedings, civil and*

1 criminal, to which the government of the Virgin Islands is a
2 party in the inferior courts of the Virgin Islands. The
3 Attorney General may authorize the employment of neces-
4 sary clerical assistants. The compensation of the district
5 attorney and his assistant and employees shall be fixed by
6 the Attorney General and their salaries and the other neces-
7 sary expenses of the office shall be paid from appropriations
8 made to the Department of Justice. In the case of a va-
9 cancy in the office of the district attorney, the District Court
10 of the Virgin Islands may appoint a district attorney to serve
11 until the vacancy is filled. The order of appointment by the
12 court shall be filed with the clerk of the court.

13 FISCAL PROVISIONS

14 SEC. 27. (a) The proceeds of customs duties, the pro-
15 ceeds of the United States income tax, the proceeds of any
16 taxes levied by the Congress on the inhabitants of the Vir-
17 gin Islands, and the proceeds of all quarantine, passport,
18 immigration, and naturalization fees collected in the Virgin
19 Islands, less the cost of collecting all of said duties, taxes, and
20 fees, shall be covered into the treasury of the Virgin Islands,
21 and shall be available for expenditure as the Legislature of
22 the Virgin Islands may provide: Provided, That the term
23 "inhabitants of the Virgin Islands" as used in this section
24 shall include all persons whose permanent residence is in the
25 Virgin Islands, and such persons shall satisfy their income

1 *tax obligation under applicable taxing statutes of the United*
2 *States by paying their tax on income derived from all sources*
3 *both within and outside the Virgin Islands into the treasury*
4 *of the Virgin Islands: Provided further, That nothing in this*
5 *Act shall be construed to apply to any tax specified in section*
6 *3811 of the Internal Revenue Code.*

7 *(b) Subchapter B of chapter 28 of the Internal Revenue*
8 *Code is amended by adding to section 3350 thereof the fol-*
9 *lowing subsection:*

10 *“(c) DISPOSITION OF INTERNAL REVENUE COLLEC-*
11 *TIONS.—Beginning with the fiscal year ending June 30,*
12 *1954, and annually thereafter, the Secretary of the Treasury*
13 *shall determine the amount of all taxes imposed by, and*
14 *collected during the fiscal year under, the internal revenue*
15 *laws of the United States on articles produced in the Virgin*
16 *Islands and transported to the United States. The amount*
17 *so determined less 1 per centum and less the estimated amount*
18 *of refunds or credits shall be subject to disposition as follows:*

19 *“(i) There shall be transferred and paid over to the*
20 *government of the Virgin Islands from the amounts so deter-*
21 *mined a sum equal to the total amount of the revenue col-*
22 *lected by the government of the Virgin Islands during the*
23 *fiscal year, as certified by the treasurer of the Virgin Islands.*
24 *The moneys so transferred and paid over shall constitute a*
25 *separate fund in the treasury of the Virgin Islands and may*

1 *be expended as the legislature may determine: Provided,*
2 *That the approval of the President or his designated repre-*
3 *sentative shall be obtained before such moneys may be*
4 *obligated or expended.*

5 “(ii) *There shall also be transferred and paid over to*
6 *the Government of the Virgin Islands during each of the*
7 *fiscal years ending June 30, 1955, and June 30, 1956, the*
8 *sum of \$1,000,000, or the balance of the internal revenue*
9 *collections available under this subsection (c) after payments*
10 *are made under the preceding paragraph (i), whichever*
11 *amount is greater. The moneys so transferred and paid*
12 *over shall be deposited in the separate fund established by*
13 *the preceding paragraph (i) but shall be obligated or ex-*
14 *pended for emergency purposes and essential public projects*
15 *only, with the prior approval of the President or his desig-*
16 *nated representative.*

17 “(iii) *Any amounts remaining shall be deposited in the*
18 *Treasury of the United States as miscellaneous receipts.*

19 “*If at the end of any fiscal year the total of the Federal*
20 *contribution made under (i) above at the beginning of that*
21 *fiscal year has not been obligated or expended for an ap-*
22 *proved purpose, the balance shall continue available for*
23 *expenditure during any succeeding fiscal year, but only for*
24 *approved emergency relief purposes and essential public*
25 *projects as provided in (ii) above. The aggregate amount*

1 of moneys available for expenditure for emergency relief
2 purposes and essential public projects only, including pay-
3 ments under (ii) above, shall not exceed the sum of
4 \$5,000,000 at the end of any fiscal year. Any unobligated
5 or unexpended balance of the Federal contribution remaining
6 at the end of a fiscal year which would cause the moneys
7 available for emergency relief purposes and essential public
8 projects only to exceed the sum of \$5,000,000 shall there-
9 upon be transferred and paid over to the Treasury of the
10 United States as miscellaneous receipts.”

11 (c) Notwithstanding any other provision of law, section
12 526 of the Tariff Act of 1930 (46 Stat. 741; 19 U. S. C.,
13 1946 edition, sec. 1526), and section 42 of the Trade Mark
14 Act of 1946 (60 Stat. 440; 15 U. S. C., 1946 edition, sec.
15 1124), shall not apply to the Virgin Islands.

16 (d) There shall be levied, collected, and paid upon all
17 articles coming into the United States or its possessions from
18 the Virgin Islands the rates of duty and internal revenue
19 taxes which are required to be levied, collected, and paid
20 upon like articles imported from foreign countries: Provided,
21 That all articles, the growth or product of, or manufactured
22 in, such islands, from materials grown or produced in such
23 islands or in the United States, or both, or which do not
24 contain foreign materials to the value of more than 50 per
25 centum of their total value, upon which no drawback of

1 *custom duties has been allowed therein, coming into the*
 2 *United States from such islands shall be admitted free of*
 3 *duty. In determining whether such a Virgin Islands article*
 4 *contains foreign material to the value of more than 50 per*
 5 *centum, no material shall be considered foreign which, at*
 6 *the time the Virgin Islands article is entered, or withdrawn*
 7 *from warehouse for consumption, may be imported into the*
 8 *continental United States free of duty generally.*

9 MISCELLANEOUS PROVISIONS

10 *SEC. 28. All officials of the government of the Virgin*
 11 *Islands shall be citizens of the United States. Every member*
 12 *of the Legislature of the Virgin Islands and all officers and*
 13 *employees of the government of the Virgin Islands shall*
 14 *before entering upon the duties of their respective offices,*
 15 *or, in the case of persons in the employ of the government*
 16 *of the Virgin Islands on the effective date of this Act, then*
 17 *within sixty days of the effective date thereof, make a written*
 18 *statement in the following form:*

19 *"I, -----, do solemnly swear (or affirm)*
 20 *that I will support, obey, and defend the Constitution and*
 21 *laws of the United States applicable to the Virgin Islands*
 22 *and the laws of the Virgin Islands, and that I will discharge*
 23 *the duties of ----- with fidelity.*

24 *"And I do further swear (or affirm) that I do not*
 25 *advocate, nor am I knowingly a member of any organ-*

1 *ization that advocates, the overthrow of the Government of*
2 *the United States or of the Virgin Islands by force or*
3 *violence or other unconstitutional means, or seeking by force*
4 *or violence to deny other persons their rights under the*
5 *Constitution and laws of the United States applicable to*
6 *the Virgin Islands or the laws of the Virgin Islands.*

7 *“And I do further swear (or affirm) that I will not so*
8 *advocate nor will I knowingly become a member of such*
9 *organization during the period that I am an employee of*
10 *the Virgin Islands.”*

11 *SEC. 29. All reports required by law to be made by the*
12 *Governor to any official of the United States shall hereafter*
13 *be made to the Secretary of the Interior, and the President*
14 *is hereby authorized to place all matters pertaining to the*
15 *government of the Virgin Islands under the jurisdiction of*
16 *the Secretary of the Interior, except matters relating to the*
17 *judicial branch of said government which on the date of*
18 *approval of this Act are under the supervision of the Director*
19 *of the Administrative Office of the United States Courts.*

20 *SEC. 30. (a) The Secretary of the Interior shall be*
21 *authorized to lease or to sell upon such terms as he may deem*
22 *advantageous to the Government of the United States any*
23 *property of the United States under his administrative super-*
24 *vision in the Virgin Islands not needed for public purposes.*

25 *(b) The government of the Virgin Islands shall continue*

1 to have control over all public property that is under its
2 control on the date of approval of this Act.

3 SEC. 31. Section 6 of the Act of August 30, 1890 (26
4 Stat. 414, 416), as amended (21 U. S. C., 1946 edition, sec.
5 104), is further amended by inserting the words “and the
6 admission into the Virgin Islands” immediately following
7 the word “Texas”, so that such section will read as follows:

8 “The importation of cattle, sheep, and other ruminants,
9 and swine, which are diseased or infected with any disease,
10 or which shall have been exposed to such infection within
11 sixty days next before their exportation, is prohibited: Pro-
12 vided, That the Secretary of Agriculture, within his discre-
13 tion and under such regulations as he may prescribe, is
14 authorized to permit the admission from Mexico into the State
15 of Texas and the admission into the Virgin Islands of cattle
16 which have been infested with or exposed to ticks upon being
17 freed therefrom. Any person who shall knowingly violate
18 the foregoing provision shall be deemed guilty of a misde-
19 meanor and shall, on conviction, be punished by a fine not
20 exceeding \$5,000, or by imprisonment not exceeding three
21 years, and any vessel or vehicle used in such unlawful im-
22 portation within the knowledge of the master or owner of
23 such vessel or vehicle that such importation is diseased or
24 has been exposed to infection as herein described, shall be
25 forfeited to the United States.”

1 *SEC. 32. Section 2 of the Act of February 2, 1903 (32*
2 *Stat. 791, 792), as amended (21 U. S. C., 1946 edition,*
3 *sec. 111), is hereby further amended by striking out the*
4 *period and adding at the end thereof the following: "Pro-*
5 *vided, That no such regulations or measures shall pertain*
6 *to the introduction of live poultry into the Virgin Islands*
7 *of the United States.'".*

8 *SEC. 33. This Act shall take effect upon its approval,*
9 *but until its provisions shall severally become operative as*
10 *herein provided, the corresponding legislative, executive, and*
11 *judicial functions of the existing government shall continue*
12 *to be exercised as now provided by law or ordinance, and the*
13 *incumbents of all offices under the government of the Virgin*
14 *Islands shall continue in office until their successors are ap-*
15 *pointed and have qualified unless sooner removed by compe-*
16 *tent authority. The enactment of this Act shall not affect*
17 *the term of office of the judge of the District Court of the*
18 *Virgin Islands in office on the date of its enactment.*

19 *SEC. 34. Except to the extent necessary to implement*
20 *the provisions of section 35, the Act of June 22, 1936 (49*
21 *Stat. 1807), and any other provisions of law inconsistent*
22 *with this Act are hereby repealed.*

83d CONGRESS
2d Session

H. R. 5181

[Report No. 1603]

A BILL

To revise the Organic Act of the Virgin Islands
of the United States.

By Mr. MULLER of Nebraska

MAY 13, 1953

Referred to the Committee on Interior and Insular
Affairs

MAY 13, 1954

Reported with an amendment, committed to the Com-
mittee of the Whole House on the State of the
Union, and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 18, 1954
For actions of May 17, 1954
83rd-2nd, No. 90

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HIGHLIGHTS: Senate committee reported bills to amend Water Facilities Act and approve Southeastern Forest Fire Compact. Senate committee reported Farrington nomination to CCC Board. Senate passed bill on land management in Eden project, Wyo. Senate passed bill to modify Flammable Fabrics Act. House committee reported emergency farm loans bill. Reps. Jones and Hoffman criticized ASC committee operations in Mo. and Mich.

SENATE

1. WATER FACILITIES LOANS. The Agriculture and Forestry Committee reported with amendments S. 3137, to increase the limit on individual loans under the Water Facilities Act and to make the Act applicable to the entire country (S. Rept. 1371)(p. 6258). Sen. Aiken gave a list of additional cosponsors of the bill (pp. 6258-9).
2. FORESTRY. The Agriculture and Forestry Committee reported without amendment S. 2786, granting the consent and approval of Congress to the Southeastern Interstate Forest Fire Protection Compact (S. Rept. 1372)(p. 6258).
3. CCC NOMINATION. The Agriculture and Forestry Committee reported the nomination of Robert L. Farrington to be a member of the Board of Directors of the Commodity Credit Corporation (p. 6271).
4. HOLIDAY. The Judiciary Committee reported without amendment H. R. 7786, to change the name of Armistice Day to "Veterans' Day" (S. Rept. 1359)(p. 6258).
5. SOIL CONSERVATION. Passed without amendment H. R. 7057, to authorize the Secretaries of Agriculture and Interior to transfer, exchange, and dispose of land in the Eden project, Wyo. (p. 6282). This bill will now be sent to the President.
6. PUBLIC LANDS. Passed without amendment H. R. 6186, to authorize the Secretary of the Interior to grant a preference right to users of withdrawn public lands for grazing purposes when the lands are restored from the withdrawal (p. 6286). This bill will now be sent to the President.

H. R. 2512, to modernize the Small Tract Act, was placed at the foot of the calendar at the request of Sen. Smathers (p. 6287).

7. FLAMMABLE FABRICS. Passed without amendment S. 3379, to amend the Flammable Fabrics Act so as to exempt fabrics and wearing apparel which are not highly flammable (pp. 6284-5).
8. RECLAMATION. Passed with amendments S. 118, to authorize the Secretary of the Interior to construct, operate, and maintain the Washita River Basin reclamation project, Okla. (pp. 6279-82).
9. CIVIL DEFENSE. Passed with amendment H. R. 7308, which (as amended) would extend through June 30, 1958, the emergency powers of the Administrator of Civil Defense (p. 6290).
10. VIRGIN ISLANDS. Passed with amendments S. 3378, to revise the Organic Act of the Virgin Islands (pp. 6292-7). The bill includes amendments to the animal and poultry quarantine laws (see Digest 88). H. R. 5181, as reported in the House on May 13, contains similar amendments.
11. EDUCATION. Sen. Wiley spoke in favor of adequate funds to carry out the George-Barden Act regarding vocational education in agriculture, etc. (p. 6267).
12. BANKING AND CURRENCY. Sen. Bush defended the Federal Reserve Board against recent criticism by Rep. Patman (pp. 6267-8).
13. ELECTRIFICATION. S. 3090, to authorize transmission and disposition of electric energy generated at Falcon Dam, was discussed and passed over at the request of Sen. Morse (p. 6292).

HOUSE

14. FARM LOANS. The Agriculture Committee reported with amendment H. R. 8748, to eliminate the requirement that economic disaster loans be restricted to areas designated by the President, and make additional funds available for economic emergency loans (H. Rept. 1604) (p. 6348).
Received a proposed bill from FCA to authorize the Central Bank for Cooperatives and the regional banks for cooperatives to issue consolidated debentures; to Agriculture Committee (p. 6348).
15. PUBLIC LANDS. Received the conference report on H. R. 1815, to amend the Recreation Act of June 14, 1926, so as to broaden the Interior Department's authority to make lands available for public purposes to States and local governments, or to nonprofit organizations intending to use such lands for public purposes (H. Rept. 1605) (pp. 6316-7).
Passed as reported H. R. 7111, to authorize the grant or retrocession to a State of concurrent jurisdiction over Federal lands as may be necessary for roads and other rights-of-way (pp. 6321-2).
16. RECLAMATION. A subcommittee approved for reporting to the Interior and Insular Affairs Committee H. R. 236, authorizing construction of the Fryingpan-Arkansas project, Colo., and H. R. 8520, to provide for construction by Interior of the Ainsworth, Lavaca Flats, Mirage Flats, Extension, and O'Neill irrigation developments as units of the Missouri River Basin project (p. D539).

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. MAGNUSON. Mr. President, reserving the right to object, I should like to have an explanation of the bill.

Mr. SALTONSTALL. Mr. President, does the Senator from Washington object to the present consideration of the bill.

Mr. MAGNUSON. I reserve the right to object, in order to request an explanation.

Mr. SALTONSTALL. Will the Senator from Washington permit the bill to come up, first?

Mr. KNOWLAND. I think the point made by the Senator from Washington is that until a satisfactory explanation of the bill is given, he wishes to object to having the bill considered. Certainly it is proper to request that an explanation be made, before a decision is reached as to the present consideration of the bill.

Mr. SALTONSTALL. I will say, with a smile at the majority leader, that, knowing the interest of the Senator from Washington in construction of ships, I hope he will allow the bill to be considered. I am glad to make the explanation.

At the present time the Navy has a number of so-called T-2 tankers, which have a speed of about 16 knots and carry about 15,000 tons. The bill provides for the construction of 20 new tankers, to be between 25,000 and 32,000 tons in dead weight. They will take the place of 37 T-2 tankers which will be placed in mothballs. The new tankers will have a speed of 18 knots. They will be built, if the bill is enacted, by private owners, who will lease them to the Government for 10 years at \$5 a deadweight ton a month.

The life of a tanker is approximately 20 years. It is estimated that two-thirds of their value will be gone at the end of the first 10 years, so there will be left with the owner approximately \$2,500,000 in value, assuming that the ships cost \$7,500,000, and he will have left the sum mentioned with which to operate the ships after the first 10 years.

The theory of the bill, which involves an operation which is to a certain extent experimental, is to provide new tankers to be built by private funds, the Navy to lease them for 10 years at \$5 a dead-weight ton a month. At the end of 10 years they will become the property of the owners. These tankers will take the place of 37 T-2 tankers which have become obsolete. Such tankers must be especially built, in that they must be of shallower draft than the modern commercial tanker, which runs up to 45,000 dead-weight tons.

So far as cost to the Government is concerned, the very carefully prepared figures which the report contains show that the bill would provide a certain profit—but not too much profit—to the owners over a period of 10 years. Then, as I say, at the end of that time the owners will have the tankers to operate for another 10 years, to repay the Navy for the money borrowed for the construction of the tankers.

The tankers will be built in American shipyards, with American materials, so far as it is possible to obtain them.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield.

Mr. MAGNUSON. I am sure the Senator knows that I understand the type of vessel involved. I am questioning the reversal of policy. If the Government needs tankers, why does not the Government build them? This is a new policy.

Mr. SALTONSTALL. It is not entirely a new policy, I understand. It is a new policy so far as tankers are concerned. It is a policy which will permit the Government to get out of the business of operating ships so far as possible.

Today we are being urged to have the merchant marine operated by private interests and not by the Government in competition with private interests. We are also being urged to have the ships operated by American civilian crews.

Mr. MAGNUSON. I understand that; but the proposed tanker is a prototype. This measure is parallel to the lease-purchase bill.

Mr. SALTONSTALL. No, it is not.

Mr. MAGNUSON. It is about the same thing.

Mr. SALTONSTALL. We discussed that question in committee. It is not the same as a lease-purchase operation, because the Government never purchases. I can show the Senator from Washington, if he cares to see it, a table setting forth, in parallel columns, the cost to the Government if the Government builds and operates the tankers, and the cost of having them privately built and operated. We went into that question with a great deal of care.

Mr. MAGNUSON. I am sure the committee did. However, we are establishing a policy of guaranteeing a private operator two-thirds of his money back, plus a reasonable profit, to which he is entitled. In the end the Government, in effect, guarantees the entire operation, and the operator winds up with a tanker which he can use for 8 years more speaking conservatively.

Mr. SALTONSTALL. The committee established a top limit—

Mr. MAGNUSON. What would be the reason for a private operator entering into such an arrangement if he were not permitted to make some money?

Mr. SALTONSTALL. The committee established a top limit. There is some question in my mind as to whether anyone will come forward and undertake these contracts. On the basis of the figures given to us, an operator would break even at \$4.68 a deadweight ton, if the present figures are accurate.

Mr. MAGNUSON. But he is taking no risk.

Mr. SALTONSTALL. He is taking a certain risk.

Mr. MAGNUSON. What risk is he taking?

Mr. SALTONSTALL. He has a 10-year-old tanker when he is through.

Mr. MAGNUSON. For one-third of his cost?

Mr. SALTONSTALL. For one-third of his cost.

Mr. MAGNUSON. He is guaranteed whatever investment he makes, and a profit for 10 years. At the end of 10 years he gets the tanker for one-third of his cost. Conservatively speaking, he can use the tanker for 8 years more.

Mr. SALTONSTALL. In the meantime, we are getting a privately constructed ship at a cost which would be probably a little less than would be the cost to the Government if the Government were to build it. The tankers will be operated by American crews, under the American flag, by private operators, and not by the Government.

Mr. MAGNUSON. I can understand that. If the Government were to call for bids for the construction of tankers, the cost would be a little less than if the Senator or I called for bids from shipyards. My experience has been that when the Government has built ships, Government supervision of shipbuilding has resulted in more rapid construction, and in most cases the cost has been a little less.

Mr. SALTONSTALL. Government operation would probably cost a little more.

Mr. MAGNUSON. Why would it cost more?

Mr. SALTONSTALL. Government operation is always more expensive.

Mr. MAGNUSON. I am not talking about operation. I am talking about construction.

Mr. SALTONSTALL. The argument before the committee was that under private ownership the ships would be constructed more rapidly. They would be less subject to inspection here, inspection there, and inspection somewhere else, which results in delays.

All I can say to the Senator from Washington is that the point of view he now takes was taken originally by the distinguished Senator from Virginia [Mr. BYRD], who was rather strongly opposed to the lease-purchase bill.

The committee held two very full meetings. There were several conferences between the meetings. All I can say is that the National Security Council, at its highest level, advocates this program as an experiment, if you will, or an effort to keep private ships and shipyards operating. That recommendation comes from the National Security Council, through the Secretary of Defense.

Mr. MAGNUSON. The Government can still build the ships and charter them to private operators. That is done all the time.

The PRESIDING OFFICER. The time of the Senator has expired. Is there objection to the present consideration of the bill?

Mr. MAGNUSON. Mr. President, I ask unanimous consent to be allowed to proceed for 3 minutes longer.

The PRESIDING OFFICER. Without objection, the Senator from Washington may proceed for 3 minutes.

Mr. MAGNUSON. This plan has been bandied about for a year. It is similar to the program under the Lease-Purchase Act. It guarantees the private operator a profit, for 10 years, plus his construction cost. Then he gets the ship back. At the end of the 10-year

period, the ship will have a useful life of at least 8 years more. The operator gets the ship back for one-third the cost. If the Government wants the ships, why does it not ask for an appropriation?

Mr. SALTONSTALL. The same question was raised in the committee. This is an effort to try to have our merchant marine operated by private interests which own the ships and have an interest in preserving the ships. These are not fleet tankers. These are not tankers which are to accompany our fleet.

Mr. MAGNUSON. I understand that. I know the type of ship, and I think we should have such tankers, but I cannot see why we should guarantee private operators a profit, as we are doing under the Lease-Purchase Act. If the Government needs the ships it ought to build them: It can charter them to private operators, if private operation is cheaper. That is done all the time.

Mr. SALTONSTALL. The whole idea is to try to stimulate private investment in ships. The Senator says that at the end of 10 years the operator gets the ship back for one-third of the cost. At the end of 10 years, two-thirds of the value of the tanker is gone—perhaps more. During the second 10-year period the ship is of very much less value, and there may not be very little in it from the point of view of the owner.

Mr. MAGNUSON. So long as the tanker operates, it does not make any difference whether it is 10 years old or 15 years old, particularly in a period such as this when tanker tonnage is very tight. At the end of 10 or 15 years a tanker may be just as useful as when it was new. It could be of more value to the operator at the end of a 10-year period, during the following 8 years, than it was during the first 10 years, during which time the Government was guaranteeing the subsidy.

Mr. SALTONSTALL. That is the guess of my distinguished friend from Washington, as opposed to the guess, we will say, of the Secretary of the Navy or of Admiral Denebrink who is in charge of the Military Sea Transport Service.

I would say to the Senator that what he has stated I have heard discussed in committee and in conference. It comes down to a question of policy.

Mr. MAGNUSON. That is correct.

Mr. SALTONSTALL. If the policy of the Senator from Washington is adopted it will mean that the Government will build these ships and own that much more of the merchant marine.

The PRESIDING OFFICER. The additional 3 minutes of debate have expired.

Mr. HENDRICKSON. Mr. President, I ask unanimous consent that the Senators may continue their colloquy for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. I do not wish to continue this colloquy. The consideration of the bill comes down to a question of policy. It is the same policy we encountered in the lease-purchase bill. It is a completely new policy which guarantees private operators something which they did not have before. I be-

lieve the bill is too important to be passed on the call of the calendar. Therefore I ask that it go over.

The PRESIDING OFFICER. Objection is heard. The bill goes over.

INDEPENDENT OFFICES APPROPRIATIONS, 1955

The bill (H. R. 8583) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices for the fiscal year ending June 30, 1955, and for other purposes, was announced as next in order.

Mr. KNOWLAND. Over.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

TRANSMISSION AND DISPOSITION OF ELECTRIC ENERGY GENERATED AT FALCON DAM

The bill (S. 3090) to authorize the transmission and disposition by the Secretary of the Interior of electric energy generated at Falcon Dam on the Rio Grande was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GORE. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a statement prepared by the junior Senator from Oregon [Mr. MORSE].

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MORSE

When this bill was considered two and a half weeks ago by the Public Works Committee, I proposed that the following language be included in the report:

"This provision would make applicable to this project the priorities provided in similar past legislation such as the Flood Control Act of 1944, namely, that electric power and energy will be marketed and will be made available to public bodies and cooperatives, subject only to such requirements of notice as may be necessary to permit satisfactory planning."

It was explained that the Department of the Interior had cast doubt upon the meaning of the preference clauses in existing law by its promulgation of the Missouri Basin Marketing Criteria. As originally issued, the Department's criteria had the effect of freezing preference at a given point of time, thereby denying to public and nonprofit agencies (such as rural electric co-ops) the opportunity to exercise preference rights some time after initial allocation of the power from a project is made. New co-ops coming into existence and those expanding service would be denied power at low rates or would be obliged to contract at the time of first allocation for more than its existing needs, thereby increasing consumer costs.

The committee adopted the language I proposed. Toward the close of the meeting a member of the committee came in and he was brought up to date on the committee's action. He said that as the Interior Department was to be the marketing agency he thought the proposed language should be submitted to the Secretary for comment. It was agreed that if the language were acceptable, the bill would be reported with the addition without further committee action.

It was agreed that if the Department of the Interior objected to the proposed language on preference, there would be not merely further consideration by the Public Works Committee but a hearing on the preference provisions.

Assistant Secretary Aandahl did object by letter dated May 5. On May 7 copies were distributed to committee members with a covering staff memorandum which concluded:

"In view of the foregoing changes in the situation since the committee agreed on a contingent basis to report this bill, the memorandum is submitted for further instructions from the committee."

No further committee meeting was held on this bill. It was reported on May 14 without the language in the report tentatively adopted by the committee.

I submit that the bill is not properly before the Senate and should be withdrawn from the calendar by the committee.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GORE. At the request of the junior Senator from Oregon [Mr. MORSE], I request that the bill go over.

The PRESIDING OFFICER. The bill will go over.

REVISION OF ORGANIC ACT OF VIRGIN ISLANDS

The Senate proceeded to consider the bill (S. 3378) to revise the Organic Act of the Virgin Islands of the United States.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment.

Mr. BUTLER of Nebraska. Mr. President, I offer three amendments to the bill.

In explanation, I will say that all Members of the Senate are cognizant of the fact that an outstanding citizen of the State of Iowa is now the appointed Governor of the Virgin Islands. He is of the Negro race. He is a graduate of the University of Idaho and a member of an outstanding contracting firm in the United States. We expect great things from his administration of the affairs of the Virgin Islands.

Some time ago, I and the staff of the committee sent to the newly elected Governor a copy of the proposed bill, and asked for his comment and suggestion of changes, if any.

He conferred with members of the Legislature in the Virgin Islands, and sent us a communication which unfortunately did not reach the committee in time to be used as the basis of changes in the bill.

I therefore offer three amendments, which perhaps are minor in nature, but are of great importance to the people of the Virgin Islands. I ask that the amendments be stated.

The PRESIDING OFFICER. The Secretary will state the amendments.

The CHIEF CLERK. On page 8, line 17, after the word "thereof", it is proposed to strike out "for not to exceed a total of eight round trips during any calendar year."

On page 18, line 18, after the word "Islands", it is proposed to strike out "who shall reside in St. Croix during

his official incumbency, and may reside in the government house on St. Croix free of rent", and on page 19, line 3, after the word "Governor.", it is proposed to strike out "He shall also serve as the Administrator for St. Croix, without additional compensation, and in that capacity shall act for the Governor in the administration of the affairs of St. Croix."

On page 28, line 1, after the word "division.", it is proposed to strike out "The practice and procedure in the district court shall be as prescribed by rules and orders of the court.", and in lieu thereof, to insert "The rules of practice and procedure heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of title 28, United States Code, in civil cases, section 2073 of title 28, United States Code, in admiralty cases, and section 30 of the Bankruptcy Act in bankruptcy cases, shall apply to the district court of the Virgin Islands and to appeals therefrom. All offenses shall continue to be prosecuted in the district court by information as heretofore except such as may be required by local law to be prosecuted by indictment by a grand jury."

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Nebraska [Mr. BUTLER].

The amendments were agreed to.

Mr. BUTLER of Nebraska. Mr. President, I ask unanimous consent that there be printed in the body of the RECORD at this point a statement which I have prepared on the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BUTLER OF NEBRASKA

This bill is urgently needed to provide an up-to-date and efficient structure of government for our small island possession in the Caribbean.

The present government of the Virgin Islands of the United States is based on the organic act of 1936, which is a patchwork system based to a large degree on old Danish law. The past years have demonstrated fully that the system is badly in need of modernization. To give only 1 example, the present organic act provides for 3 separate legislatures for this small possession, having only 25,000 people. The duplication and inefficiency of the present government system there is badly in need of correction.

This bill has been very carefully worked out on the basis of suggestions from all sources over the last 3 or 4 years. Last year I introduced by request three separate proposals for a revised organic act, proposed respectively by the United States Department of Interior, the Legislative Assembly of the Virgin Islands, and the Chamber of Commerce of St. Thomas. Then in December last year I visited the islands and held public hearings there on these three bills.

One of the most important changes is to abolish the duplication of three separate legislatures and establish in its place a single Legislature of the Virgin Islands. The bill also proposes that the duplicating departments and agencies of the island government be consolidated by the new governor, the Honorable Archie A. Alexander. I anticipate that the savings from eliminating this duplication will be tremendous. The bill also proposes to reduce the salary

of the members of the legislature to an annual figure more nearly in line with the compensation of legislators in the various States. During recent years, the members of the Virgin Islands Legislative Assembly have voted themselves increases in compensation several times, to the point where they now receive up to \$2,300 a year plus expenses to perform the legislative duties for these tiny islands.

The bill also strengthens the authority of local officials by providing an automatic grant to the Virgin Islands of a part of the revenue derived from the United States tax on rum. This grant is intended to replace the annual appropriations through the interior appropriation bill for municipal deficits, central administration, public works, and certain other purposes.

I believe this measure is vitally needed to make the new governor's administration in the Virgin Islands a success, and I hope we can act upon it without delay.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That this act may be cited as the "Revised Organic Act of the Virgin Islands."

SEC. 2. (a) The provisions of this act, and the name "Virgin Islands" as used in this act, shall apply to and include the territorial domain, islands, cays, and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. 1706). The Virgin Islands as above described are hereby declared an unincorporated territory of the United States of America.

(b) The government of the Virgin Islands shall have the powers set forth in this act and shall have the right to sue by such name and to be sued: *Provided*, That no tort action shall be brought against the government of the Virgin Islands or against any officer or employee thereof in his official capacity without the consent of the legislature constituted by this act.

The capital and seat of government of the Virgin Islands shall be located at the city of Charlotte Amalie, in the island of St. Thomas.

BILL OF RIGHTS

SEC. 3. No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to any person therein equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to be represented by counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence against himself; nor shall any person sit as judge or magistrate in any case in which he has been engaged as attorney or prosecutor.

All persons shall be bailable by sufficient sureties in the case of criminal offenses, except for first-degree murder or any capital offense when the proof is evident or the presumption great.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned or shall suffer forced labor for debt.

All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

No ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken for public use except upon payment of just compensation ascertained in the manner provided by law.

The right to be secure against unreasonable searches and seizures shall not be violated.

No warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Slavery shall not exist in the Virgin Islands.

Involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted by a court of law, shall not exist in the Virgin Islands.

No law shall be passed abridging the freedom of speech or of the press or of the right of the people peaceably to assemble and petition the government for the redress of grievances.

No religious test shall ever be required as a qualification to any office or public trust under the government of the Virgin Islands.

No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of the Virgin Islands or of the United States shall be qualified to hold any office of trust or profit under the government of the Virgin Islands.

No money shall be paid out of the Virgin Islands treasury except in accordance with an act of Congress or money bill of the legislature.

The contracting of polygamous or plural marriages is prohibited.

The employment of children under the age of 16 years in any occupation injurious to health or morals or hazardous to life or limb is prohibited.

Nothing contained in this act shall be construed to limit the power of the legislature herein provided to enact laws for the protection of life, the public health, or the public safety.

FRANCHISE

SEC. 4. The franchise shall be vested in residents of the Virgin Islands who are citizens of the United States 21 years of age or over. Additional qualifications may be prescribed by the legislature: *Provided, however*, That no property or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

LEGISLATIVE BRANCH

SEC. 5. (a) The legislative power and authority of the Virgin Islands shall be vested in a legislature, consisting of one house, to be designated the "Legislature of the Virgin Islands," herein referred to as the legislature.

(b) The legislature shall be composed of 11 members to be known as representatives. The Virgin Islands shall be divided into three legislative districts, as follows: the district of St. Thomas, comprising St. Thomas, Hassel, Water, Savana, Inner Brass, Outer Brass, Hans Lollik, Little Hans Lollik, Great St. James, Little St. James, and Capella Islands, Thatch Cay, and adjacent islets and cays; the district of St. Croix, comprising St. Croix and Buck Islands and adjacent islets and cays; and the district of St. John, comprising St. John and Flanagan Islands, Grass, Mingo, Lovango, and Congo cays, and adjacent islets and cays. Two rep-

representatives shall be elected by the qualified electors of the district of St. Thomas; 2 representatives shall be elected by the qualified electors of the district of St. Croix; and 1 representative shall be elected by the qualified electors of the district of St. John. The other six representatives at large and shall be elected by the qualified electors of the Virgin Islands from the Virgin Islands as a whole: *Provided*, That in the election of representatives at large, each elector shall be entitled to vote for two candidates, and the candidates receiving the largest number of votes shall be declared elected up to the number to be elected at that election. The order of names upon the ballot for each office shall be determined alphabetically for the first 500 ballots printed, and thereafter the names shall be alternated on each succeeding group of 500 ballots.

SEC. 6. (a) The term of office of each member of the legislature shall be 2 years. The term of office of each member shall commence on the second Monday in January following his election.

(b) No person shall be eligible to be a member of the legislature who is not a citizen of the United States, who has not attained the age of 25 years, who is not a qualified voter in the Virgin Islands, who has not been a bona fide resident of the Virgin Islands for at least 3 years next preceding the date of his election, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights. Federal employees and persons employed in the legislative, executive, or judicial branches of the government of the Virgin Islands shall not be eligible for membership in the legislature.

(c) All officer and employees charged with the duty of directing the administration of the electoral system of the Virgin Islands and its representative districts shall be appointed in such manner as the legislature may by law direct.

(d) No member of the legislature shall be held to answer before any tribunal other than the legislature for any speech or debate in the legislature and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature and in going to and returning from the same.

(e) Each member of the legislature shall be paid the sum of \$600 annually, one-third on the second Monday in January, one-third on the second Monday in February, and one-third at the close of the regular session. Each member of the legislature who is away from the island of his residence shall also receive the sum of \$10 per day for each day's attendance while the legislature is actually in session, in lieu of his expenses for subsistence, and shall be reimbursed for his actual travel expenses in going to and returning from each session, or period thereof. The salaries, per diem, and travel allowances of the members of the legislature shall be paid by the Government of the United States.

(f) No member of the legislature shall hold or be appointed to any office which has been created by the legislature, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, or during 1 year after the expiration of such term.

(g) The legislature shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpoenas to witnesses and other parties concerned, and administer oaths. The rules of the Legislative Assembly of the Virgin Islands existing on the date of approval of this act shall continue in force and effect for sessions of the legislature, except as incon-

sistent with this act, until altered, amended, or repealed by the legislature.

(h) The Governor of the Virgin Islands shall fill any vacancy in the office of member of the legislature by appointment. If the vacant office is that of a representative from a district, the person appointed shall be a resident of the district from which the member whose office is vacant was elected. If the vacant office is that of a representative at large the person appointed may be a resident of any part of the Virgin Islands. In any case, the person appointed shall serve for the remainder of the unexpired term.

SEC. 7. (a) Regular sessions of the legislature shall be held annually, commencing on the second Monday in January, and shall continue for not more than 60 consecutive calendar days. The Governor may call special sessions of the legislature at any time when in his opinion the public interests may require it, but no special session shall continue longer than 15 calendar days, and the aggregate of such special sessions during any calendar year shall not exceed 30 calendar days. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session.

(b) Sessions of the legislature shall be held in the capital of the Virgin Islands at Charlotte Amalie, St. Thomas.

SEC. 8. (a) The legislative authority and power of the Virgin Islands shall extend to all subjects of local application not inconsistent with this act or the laws of the United States made applicable to the Virgin Islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty or international agreement entered into by the United States, nor shall the lands or other property of nonresidents be taxed at a higher rate than the lands or other property of residents. No public indebtedness of the Virgin Islands shall be authorized or allowed in excess of 10 percent of the aggregate tax valuation of the property in the Virgin Islands. Bonds or other obligations of the government of the Virgin Islands payable solely from revenues derived from any public improvement or undertaking shall not be considered public indebtedness of the Virgin Islands within the meaning of this section. All bonds issued by the government of the Virgin Islands or by its authority shall be exempt, as to principal and interest, from taxation by the Government of the United States or by the government of the Virgin Islands, or by any State or Territory or any political subdivision thereof, or by the District of Columbia.

(b) The laws of the United States applicable to the Virgin Islands on the date of approval of this act, including laws made applicable to the Virgin Islands by or pursuant to the provisions of the act of June 22, 1936 (49 Stat. 1807), and all local laws and ordinances in force in the Virgin Islands on the date of approval of this act shall, to the extent they are not inconsistent with this act, continue in force and effect until otherwise provided by the Congress: *Provided*, That the legislature shall have power, when within its jurisdiction and not inconsistent with the other provisions of this act, to amend, alter, modify, or repeal any local law or ordinance, public or private, civil or criminal, continued in force and effect by this act, except as herein otherwise provided, and to enact new laws not inconsistent with any law of the United States applicable to the Virgin Islands, subject to the power of Congress to annul any such act of the legislature.

(c) The President of the United States shall appoint a commission of 7 persons, at least 3 of whom shall be residents of the Virgin Islands, to survey the field of Federal statutes and to make recommendations to the Con-

gress within 12 months after the date of approval of this act as to which statutes of the United States not applicable to the Virgin Islands on such date should be made applicable to the Virgin Islands, and as to which statutes of the United States applicable to the Virgin Islands on such date should be declared inapplicable. The members of the commission shall receive no salary for their service on the commission, but under regulations and in amounts prescribed by the Secretary of the Interior, they may be paid, out of Federal funds, reasonable per diem fees, and allowances in lieu of subsistence expenses, for attendance at meetings of the commission, and for time spent on official business of the commission, and their necessary travel expenses to and from meetings or when upon such official business, without regard to the Travel Expense Act of 1949.

(d) The Secretary of the Interior shall arrange for the preparation, at Federal expense, of a code of laws of the Virgin Islands, to be entitled the "Virgin Islands Code," which shall be a consolidation, codification and revision of the local laws and ordinances in force in the Virgin Islands. When prepared, the Governor shall submit it, together with his recommendations, to the legislature for enactment. Upon the enactment of the Virgin Islands Code it and any supplements to it shall be printed, at Federal expense, by the Government Printing Office as a public document.

SEC. 9. (a) The quorum of the legislature shall consist of seven of its members. No bill shall become a law unless it shall have been passed at a meeting, at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.

(b) The enacting clause of all acts shall be as follows: "Be it enacted by the Legislature of the Virgin Islands."

(c) The Governor shall submit at the opening of each regular session of the legislature a message on the state of the Virgin Islands and a budget of estimated receipts and expenditures, which shall be the basis of the appropriation bills for the ensuing fiscal year, which shall commence on the first day of July.

(d) Every bill passed by the legislature shall, before it becomes a law, be presented to the Governor. If the Governor approves the bill, he shall sign it. If the Governor disapproves the bill, he shall, except as hereinafter provided, return it, with his objections, to the legislature within 10 days (Sundays excepted) after it shall have been presented to him. If the Governor does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within 30 days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature agree to pass the bill, it shall be presented anew to the Governor. If he then approves it, he shall sign it; if not, he shall within 10 days after it has been presented to him transmit it to the President of the United States. If the President approves the bill, he shall sign it. If he disapproves the bill, he shall return it to the Governor, so stating, and it shall not be a law. If the President neither approves nor disapproves the bill within 90 days from the date on which it is transmitted to him by the Governor, the bill shall be a law in like manner as if the President had signed it. If any bill presented to the Governor contains several items of appropriation

of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect.

(e) If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payment of the obligations and necessary current expenses of the Government of the Virgin Islands for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item.

(f) The legislature shall keep a journal of its proceedings and publish the same. Every bill passed by the legislature and the yeas and nays on any question shall be entered on the journal.

(g) Copies of all laws enacted by the legislature shall be transmitted within 15 days of their enactment by the Governor to the Secretary of the Interior and by him annually to the Congress of the United States.

SEC. 10. The next general election in the Virgin Islands shall be held on November 2, 1954. At such time there shall be chosen the entire membership of the legislature as herein provided. Thereafter the general elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1956, and every 2 years thereafter. The Municipal Council of St. Thomas and St. John, and the Municipal Council of St. Croix, existing on the date of approval of this act, shall continue to function until January 10, 1955, at which time all of the functions, property, personnel, records, and unexpended balances of appropriations and funds of the governments of the municipality of St. Thomas and St. John and the municipality of St. Croix shall be transferred to the government of the Virgin Islands and the said municipalities shall cease to exist.

EXECUTIVE BRANCH

SEC. 11. The executive power of the Virgin Islands shall be vested in an executive officer whose official title shall be the "Governor of the Virgin Islands", and shall be exercised under the supervision of the Secretary of the Interior. The Governor of the Virgin Islands shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President and until his successor is chosen and qualified. The Governor shall reside in St. Thomas during his official incumbency, and may reside in the Government House on St. Thomas free of rent. He shall have general supervision and control of all the departments, bureaus, agencies and other instrumentalities of the executive branch of government of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and may grant respites for all offenses against the laws of the United States applicable in the Virgin Islands until the decision of the President can be ascertained. He may veto any legislation as provided in this act. He shall appoint all officers and employees of the executive branch of the government of the Virgin Islands, except as otherwise provided in this or any other act of Congress, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Virgin Islands and the laws of the United States applicable in the Virgin Islands. Whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the islands, or summon the

posse comitatus, or call out the militia, to prevent or suppress violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the islands, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon made known. He shall annually, and at such other times as the President or the Congress may require, make official report of the transactions of the government of the Virgin Islands to the Secretary of the Interior, and his said annual report shall be transmitted to the Congress. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President, or by the Secretary of the Interior. He shall have the power to issue executive regulations not in conflict with any applicable law. He may attend or may designate another person to represent him at the meetings of the legislature, may give expressions to his views on any matter before that body, and may recommend bills to the legislature.

SEC. 12. The President shall appoint a government secretary for the Virgin Islands. He shall have custody of the seal of the Virgin Islands and shall countersign and affix such seal to all executive proclamations and all other executive documents. He shall record and preserve the laws enacted by the legislature. He shall promulgate all proclamations and orders of the Governor and all laws enacted by the legislature. He shall have such executive powers and perform such other duties as may be assigned to him by the Governor.

SEC. 13. The Secretary of the Interior may from time to time designate the Government Secretary or the head of an executive department of the government of the Virgin Islands to act as Governor in the case of a vacancy in the offices, or the disability or temporary absence, of the Governor, and the person so designated shall have all the powers of the Governor for so long as such condition continues.

SEC. 14. (a) The Governor shall, within 1 year after the date of approval of this act, reorganize and consolidate the existing executive departments, bureaus, independent boards, agencies, authorities, commissions, and other instrumentalities of the government of the Virgin Islands or of the municipal governments into not more than nine executive departments, except for independent bodies whose existence may be required by Federal law for participation in Federal programs. The head of each executive department shall be designated as the commissioner thereof, and the commissioner of finance shall be bonded. No other department, bureau, independent board, agency, authority, commission, or other instrumentality shall be created, organized, or established by the Governor or the legislature, without the prior approval of the Secretary of the Interior, unless required by Federal law for participation in Federal programs.

(b) The Governor shall, from time to time, examine the organization of the executive branch of the government of the Virgin Islands, and shall make such changes therein, not inconsistent with this act, as he determines are necessary to promote effective management and to execute faithfully the purposes of this act and the laws of the Virgin Islands.

(c) The heads of the executive departments created by this act shall be appointed by the Governor, with the advice and consent of the legislature. Each shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is appointed and qualified, unless sooner removed by the Governor. Each shall have such powers and duties as may be prescribed by the legislature.

SEC. 15. (a) The Secretary of the Interior shall appoint a government comptroller who shall receive a salary of \$12,500 per annum. The government comptroller shall hold office for a term of 10 years and until his successor is appointed and qualified unless sooner removed by the Secretary of the Interior for cause. The government comptroller shall not be eligible for reappointment.

(b) The government comptroller shall audit and settle all accounts and claims pertaining to the revenues and receipts from whatever source of the government of the Virgin Islands and of funds derived from bond issues; and he shall audit and settle, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands including those pertaining to trust funds held by the government of the Virgin Islands.

(c) It shall be the duty of the government comptroller to bring to the attention of the proper administrative officer failures to collect amounts due the government, and expenditures of funds or property which in his opinion are extravagant, excessive, unnecessary, or irregular.

(d) It shall be the duty of the government comptroller to certify to the Secretary of the Interior and net amount of government revenues which form the basis for Federal grants for the civil government of the Virgin Islands.

(e) The decisions of the government comptroller shall be final except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year from the date of the decision, to the Governor, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken with the reasons and the authorities relied upon for reversing such decision.

(f) If the Governor confirms the decision of the government comptroller, then relief may be sought by appeal to the legislature or suit in the District Court of the Virgin Islands if the claim is otherwise within its jurisdiction.

(g) The government comptroller is authorized to communicate directly with any person having claims before him for settlement, or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

(h) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of the Virgin Islands an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government, classified according to municipalities.

(i) The government comptroller shall make such other reports as may be required by the Governor of the Virgin Islands, the Comptroller General of the United States, or the Secretary of the Interior.

(j) The office of the government comptroller shall be under the general supervision of the Secretary of the Interior, but shall not be a part of any executive department in the government of the Virgin Islands.

SYSTEM OF ACCOUNTS

SEC. 16. The Governor shall establish and maintain systems of accounting and internal control designed to provide—

(a) full disclosure of the financial results of the government's activities;

(b) adequate financial information needed for the government's management purposes;

(c) effective control over and accountability for all funds, property, and other assets for which the government is responsible, including appropriate internal audit; and

(d) reliable accounting results to serve as the basis for preparation and support of the government's request for the approval of the President or his designated representative for the obligation and expenditure of the internal-revenue collections as provided in section 26, the Governor's budget requests to the legislature, and for controlling the execution of the said budget.

SEC. 17. The office and activities of the government comptroller of the Virgin Islands shall be subject to review annually by the Comptroller General of the United States, and report thereon shall be made by him to the Governor, the Secretary of the Interior, and to the Congress.

SEC. 18. (a) The Governor shall receive an annual salary at the rate provided for Governors of Territories and possessions in the Executive Pay Act of 1949.

(b) The Government Secretary, the heads of the executive departments, and the members of the immediate staffs of the Governor and the Government Secretary, shall receive annual salaries at rates established by the Secretary of the Interior in accordance with the standards provided in the Classification Act of 1949.

(c) The salaries of the Governor, the Government Secretary, and the members of their immediate staffs shall be paid by the United States. The salaries of the government comptroller and the heads of the executive departments shall be paid by the government of the Virgin Islands; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor.

JUDICIAL BRANCH

SEC. 19. The judicial power of the Virgin Islands shall be vested in a court of record to be designated the "District Court of the Virgin Islands," and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by local law.

SEC. 20. The District Court of the Virgin Islands shall have the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties and laws of the United States. It shall have general original jurisdiction in all causes arising under the local law in force in the Virgin Islands, exclusive jurisdiction over which is not conferred by this act upon the inferior courts of the Virgin Islands. When it is in the interest of justice to do so the district court may on motion of any party transfer to the district court any action or proceeding brought in an inferior court and the district court shall have jurisdiction to hear and determine such action or proceeding. The district court shall also have appellate jurisdiction to review the judgments and orders of the inferior courts of the Virgin Islands to the extent now or hereafter prescribed by local law.

SEC. 21. The inferior courts now or hereafter established by local law shall have exclusive original jurisdiction of all civil actions wherein the matter in controversy does not exceed the sum or value of \$500, exclusive of interest and costs, all criminal cases wherein the maximum punishment which may be imposed does not exceed a fine of \$100 or imprisonment for 6 months, or both, and all violations of police and executive regulations, and they shall have original jurisdiction, concurrently with the district court, of all actions, civil or criminal, jurisdiction of which may hereafter be conferred upon them by local law. Any action or proceeding brought in the district court which is within the jurisdiction of an inferior court may be transferred to such inferior court by the district court in the interest of justice. The inferior courts shall hold preliminary investigations in charges of felony and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction granted to the

inferior courts by this section, and shall commit offenders to the district court and grant bail in bailable cases. The rules governing the practice and procedure of the inferior courts and prescribing the duties of the judges and officers thereof, oaths and bonds, the times and places of holding court, and the procedure for appeals to the district court shall be as may hereafter be established by the district court. The rules governing disposition of fines, costs and forfeitures, enforcement of judgments, and disposition and treatment of prisoners shall be as established by law or ordinance in force on the date of approval of this act or as may hereafter be so established.

SEC. 22. The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of the Virgin Islands, who shall hold office for the term of 8 years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The salary of the judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the district court the chief judge of the Third Judicial Circuit of the United States may assign a circuit or district judge of the third circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The provisions of chapter 49 of title 28, United States Code, shall apply to the District Court of the Virgin Islands. The compensation of the judge of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States. The Attorney General shall, as heretofore, appoint a marshal and one assistant marshal for the Virgin Islands to whose office the provisions of chapter 33 of title 28, United States Code, shall apply.

SEC. 23. The Virgin Islands consist of two judicial divisions; the Division of St. Croix, comprising the island of St. Croix and adjacent islands and cays and the Division of St. Thomas and St. John, comprising the islands of St. Thomas and St. John and adjacent islands and cays. The district court shall hold sessions in each division at such time as the court may designate by rule, or order, at least once in 3 months in each division. The rules of practice and procedure heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of title 28, United States Code, in civil cases, section 2073 of title 28, United States Code, in admiralty cases, and section 30 of the Bankruptcy Act in bankruptcy cases, shall apply to the District Court of the Virgin Islands and to appeals therefrom. All offenses shall continue to be prosecuted in the district court by information as heretofore except such as may be required by local law to be prosecuted by indictment by a grand jury. The process of the district court shall run throughout the Virgin Islands.

SEC. 24. In any criminal case originating in the district court, no person shall be denied the right to trial by jury on the demand of either party. If no jury is demanded the case shall be tried by the judge of the district court without a jury, except that the judge may, on his own motion, order a jury for the trial of any criminal action. The legislature may provide for trial in misdemeanor cases by a jury of six qualified persons.

SEC. 25. The President shall, by and with the advice and consent of the Senate, appoint a United States attorney for the Virgin Islands, who shall hold office for the term of 4 years and until his successor is chosen and qualified, unless sooner removed by the

President for cause. The United States attorney, by himself or the assistant United States attorney, shall conduct all legal proceedings, civil and criminal, to which the Government of the United States or the government of the Virgin Islands is a party in the District Court of the Virgin Islands and in the inferior courts of the Virgin Islands. Offenses against the laws of the Virgin Islands shall be prosecuted in the name of the government of the Virgin Islands. The United States attorney shall perform his duties under the supervision and direction of the Attorney General of the United States. The Attorney General may appoint one assistant United States attorney. The Attorney General may authorize the employment of necessary clerical assistants. The compensation of the district attorney and his assistant and employees shall be fixed by the Attorney General and their salaries and the other necessary expenses of the office shall be paid from appropriations made to the Department of Justice. In the case of a vacancy in the office of the district attorney, the District Court of the Virgin Islands may appoint a district attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.

FISCAL PROVISIONS

SEC. 26. (a) The proceeds of customs duties, the proceeds of the United States income tax, the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and the proceeds of all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands, less the cost of collecting all of said duties, taxes, and fees, shall be covered into the treasury of the Virgin Islands, and shall be available for expenditure as the Legislature of the Virgin Islands may provide: *Provided*, That the term "inhabitants of the Virgin Islands" as used in this section shall include all citizens of the United States whose permanent residence is in the Virgin Islands, and such persons shall satisfy their income-tax obligations under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands: *Provided further*, That nothing in this act shall be construed to apply to any tax specified in section 3811 of the Internal Revenue Code.

(b) Subchapter B of chapter 28 of the Internal Revenue Code is amended by adding to section 3350 thereof the following subsection:

"(c) Disposition of internal revenue collections: Beginning with the fiscal year ending June 30, 1954, and annually thereafter, the Secretary of the Treasury shall determine the amount of all taxes imposed by, and collected during the fiscal year under, the internal revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States. The amount so determined less 1 percent and less the estimated amount of refunds or credits shall be subject to disposition as follows:

"(i) There shall be transferred and paid over to the government of the Virgin Islands from the amounts so determined a sum equal to the total amount of the revenue collected by the government of the Virgin Islands during the fiscal year, as certified by the Government Comptroller of the Virgin Islands. The moneys so transferred and paid over shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as the legislature may determine: *Provided*, That the approval of the President or his designated representative shall be obtained before such moneys may be obligated or expended.

"(ii) There shall also be transferred and paid over to the government of the Virgin

Islands during each of the fiscal years ending June 30, 1955, and June 30, 1956, the sum of \$1 million, or the balance of the internal revenue collections available under this subsection (c) after payments are made under the preceding paragraph (1), whichever amount is greater. The moneys so transferred and paid over shall be deposited in the separate fund established by the preceding paragraph (1), but shall be obligated or expended for emergency purposes and essential public projects only, with the prior approval of the President or his designated representative.

"(iii) Any amounts remaining shall be deposited in the Treasury of the United States as miscellaneous receipts.

"If at the end of any fiscal year the total of the Federal contribution made under (1) above at the beginning of that fiscal year has not been obligated or expended for an approved purpose, the balance shall continue available for expenditure during any succeeding fiscal year, but only for approved emergency relief purposes and essential public projects as provided in (ii) above. The aggregate amount of moneys available for expenditure for emergency relief purposes and essential public projects only, including payments under (1) above, shall not exceed the sum of \$5 million at the end of any fiscal year. Any unobligated or unexpended balance of the Federal contribution remaining at the end of a fiscal year which would cause the moneys available for emergency relief purposes and essential public projects only to exceed the sum of \$5 million shall thereupon be transferred and paid over to the Treasury of the United States as miscellaneous receipts."

(c) Notwithstanding any other provision of law, section 526 of the Tariff Act of 1930 (46 Stat. 741, 19 U. S. C., 1946 edition, sec. 1526) and section 442 of the Trade Mark Act of 1946 (60 Stat. 440, 15 U. S. C., 1946 edition, sec. 1124) shall not apply to the Virgin Islands.

(d) There shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the Virgin Islands the rates of duty and internal revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of, or manufactured in, such islands, from materials grown or produced in such islands or in the United States, or both, or which do not contain foreign materials to the value of more than 50 percent of their total value, upon which no drawback of custom duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. In determining whether such a Virgin Islands article contains foreign material to the value of more than 50 percent, no material shall be considered foreign which, at the time the Virgin Islands article is entered, or withdrawn from warehouse for consumption, may be imported into the continental United States free of duty generally.

MISCELLANEOUS PROVISIONS

SEC. 27. All officials of the government of the Virgin Islands shall be citizens of the United States. Every member of the Legislature of the Virgin Islands and all officers and employees of the government of the Virgin Islands shall before entering upon the duties of their respective offices, or, in the case of persons in the employ of the government of the Virgin Islands on the effective date of this act, then within 60 days of the effective date thereof, make a written statement in the following form:

"I, _____, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution and laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands, and that

I will discharge the duties of _____ with fidelity.

"And I do further swear (or affirm) that I do not advocate, nor am I knowingly a member of any organization that advocates, the overthrow of the Government of the United States or of the Virgin Islands by force or violence or other unconstitutional means, or seeking by force or violence to deny other persons their rights under the Constitution and laws of the United States applicable to the Virgin Islands or the laws of the Virgin Islands.

"And I do further swear (or affirm) that I will not so advocate nor will I knowingly become a member of such organization during the period that I am an employee of the Virgin Islands."

SEC. 28. All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is hereby authorized to place all matters pertaining to the government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to the judicial branch of said government which on the date of approval of this act are under the supervision of the Director of the Administrative Office of the United States Courts.

SEC. 29. (a) The Secretary of the Interior shall be authorized to lease or to sell upon such terms as he may deem advantageous to the Government of the United States any property of the United States under his administrative supervision in the Virgin Islands not needed for public purposes.

(b) The government of the Virgin Islands shall continue to have control over all public property that is under its control on the date of approval of this act.

SEC. 30. Section 6 of the act of August 30, 1890 (26 Stat. 414, 416), as amended (21 U. S. C., 1946 edition, sec. 104) is further amended by inserting the words "and the admission into the Virgin Islands" immediately following the word "Texas," so that such section will read as follows:

"The importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within 60 days next before their exportation, is prohibited: *Provided*, That the Secretary of Agriculture, within his discretion and under such regulations as he may prescribe, is authorized to permit the admission from Mexico into the State of Texas and the admission into the Virgin Islands of cattle which have been infested with or exposed to ticks upon being freed therefrom. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding 3 years, and any vessel or vehicle used in such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States."

SEC. 31. Section 2 of the act of February 2, 1903 (32 Stat. 791, 792), as amended (21 U. S. C., 1946 edition, sec. 111), is hereby further amended by striking out the period and adding at the end thereof the following: "*Provided*, That no such regulations or measures shall pertain to the introduction of live poultry into the Virgin Islands of the United States."

SEC. 32. This act shall take effect upon its approval, but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the

incumbents of all offices under the government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority. The enactment of this act shall not affect the term of office of the judge of the district court of the Virgin Islands in office on the date of its enactment.

SEC. 33. There are hereby authorized to be appropriated annually by the Congress of the United States such sums as may be necessary and appropriate to carry out the provisions and purposes of this act.

SEC. 34. Except to the extent necessary to implement the provisions of section 35, the act of June 22, 1936 (49 Stat. 1807), and any other provisions of law inconsistent with this act are hereby repealed.

LT. HAYDEN R. FORD

The PRESIDING OFFICER. The Secretary will state the first bill passed to the foot of the calendar.

The bill (S. 2450) for the relief of Lt. Hayden R. Ford was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, may we have an explanation of the bill for the RECORD?

Mr. KEFAUVER. Mr. President, this bill is to relieve Lt. Hayden R. Ford, who is employed by the Corps of Engineers in the city of Nashville, Tenn., from liability to repay to the United States a sum in excess of \$14,000.

The situation is that he was entitled to retirement pay in 1945. The amount in the bill is that which was paid to him by the Veterans' Administration as retirement pay.

In his letter to the Veterans' Administration Lieutenant Ford gave notice of the amount he was receiving in his employment with the Corps of Engineers, and the Government had notice of the fact that his retirement pay and salary combined did amount to more than \$3,000, which is the limit established by law with respect to dual compensation. The Government, therefore, had notice of the fact that he was receiving an amount in excess of that limit. The young man is of good family, is married and has a family, and he is employed by the Corps of Engineers. He has no means with which to make repayment, and unless the bill is enacted it will mean that he will lose his employment with the Government. In any event the Government will not be benefited, because his income is too small for him to repay the amount owed the Government.

Mr. HENDRICKSON. Mr. President, will the Senator yield?

Mr. KEFAUVER. I yield.

Mr. HENDRICKSON. Over what period of time did these overpayments extend?

Mr. KEFAUVER. From July 1945 to January 1953.

Mr. HENDRICKSON. Almost 10 years.

Mr. KEFAUVER. Almost 10 years.

Mr. HENDRICKSON. I thank the Senator. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 2450) for the relief of Lt. Hayden R. Ford was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Lt. Hayden R. Ford, United States Air Force, retired, Nashville, Tenn., is hereby relieved of all liability to repay to the United States the sum of \$14,383.56, which was erroneously paid to him by reason of the failure on the part of the Veterans' Administration and the Department of the Air Force to reduce, pursuant to section 212 of the act of June 30, 1932, as amended (47 Stat. 406) (limiting the amount of retired pay of certain commissioned officers holding positions under the United States Government), the amounts payable to the said Lt. Hayden R. Ford as a retired commissioned officer of the Air Force while he was employed as a civilian by the Army engineers.

APPOINTMENT OF COL. LELAND HAZELTON HEWITT AS UNITED STATES COMMISSIONER, INTERNATIONAL BOUNDARY AND WATER COMMISSION OF THE UNITED STATES AND MEXICO

The PRESIDING OFFICER. The Secretary will call the next bill passed to the foot of the calendar.

The bill (S. 3457) to authorize the appointment as United States Commissioner, International Boundary and Water Commission of the United States and Mexico, of Col. Leland Hazelton Hewitt, United States Army, retired, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. GORE. Over.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

That completes the call of the calendar and the Chair lays before the Senate the unfinished business.

PROHIBITION OF TRANSPORTATION OF FIREWORKS IN CERTAIN CASES

The Senate resumed the consideration of the bill (H. R. 116) to amend title 18, United States Code, so as to prohibit the transportation of fireworks into any State in which the sale or use of such fireworks is prohibited.

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Green	Monroney
Barrett	Hendrickson	Purtell
Bridges	Hill	Robertson
Capehart	Holland	Saltonstall
Case	Hunt	Schoeppel
Chavez	Ives	Smathers
Clements	Kefauver	Smith, Maine
Cordon	Kilgore	Smith, N. J.
Daniel	Knowland	Sparkman
Ellender	Kuchel	Stennis
Ferguson	Magnuson	Thye
Fulbright	Mansfield	Watkins
Gillette	Maybank	Wiley
Gore	Millikin	Young

Mr. SALTONSTALL. I announce that the Senator from Maryland [Mr. BUTLER] is absent by leave of the Senate.

The Senator from Ohio [Mr. BRICKER] and the Senator from Kentucky [Mr. COOPER] are absent on official business.

The Senator from Maryland [Mr. BEALL], the Senator from Pennsylvania [Mr. DUFF], the Senator from Pennsylvania [Mr. MARTIN], and the Senator from New Hampshire [Mr. UPTON] are necessarily absent.

Mr. CLEMENTS. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Ohio [Mr. BURKE], the Senator from Illinois [Mr. DOUGLAS], the Senator from Arizona [Mr. HAYDEN], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Texas [Mr. JOHNSON], the Senator from Oklahoma [Mr. KERR], the Senator from North Carolina [Mr. LENNON], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

The Senator from Nevada [Mr. McCARRAN] is absent by leave of the Senate.

The PRESIDING OFFICER. A quorum is not present.

Mr. KUCHEL. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. BENNETT, Mrs. BOWRING, Mr. BUSH, Mr. BUTLER of Nebraska, Mr. BYRD, Mr. CARLSON, Mr. DIRKSEN, Mr. DWORSHAK, Mr. EASTLAND, Mr. FLANDERS, Mr. FREAR, Mr. GEORGE, Mr. GOLDWATER, Mr. HENNINGS, Mr. HICKENLOOPER, Mr. JACKSON, Mr. JENNER, Mr. JOHNSON of Colorado, Mr. JOHNSTON of South Carolina, Mr. KENNEDY, Mr. LANGER, Mr. LEHMAN, Mr. LONG, Mr. MALONE, Mr. MCCARTHY, Mr. McCLELLAN, Mr. MORSE, Mr. MUNDT, Mr. MURRAY, Mr. NEELY, Mr. PASTORE, Mr. PAYNE, Mr. POTTER, Mr. SYMINGTON, Mr. WELKER, and Mr. WILLIAMS entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. WILEY. Mr. President, I am in a rather unusual situation, in that, not being a Senator who engages in fireworks, I must today speak on the fireworks bill. [Laughter.]

Mr. President, because of the small number of Senators present, I ask unanimous consent that the Senate proceed at once to the consideration of the committee amendments.

The PRESIDING OFFICER (Mr. Bush in the chair). The Secretary will state the committee amendments.

The committee amendments were stated by the legislative clerk, as follows:

On page 1, line 8, after the word "State", to strike out "knowingly imports or"; in line 10, after the word "do", to strike out "unless" and insert "knowing that"; on page 2, line 3, after the word "manner", to strike out "and" and insert "or"; in the same line, after the word "use", to strike out "not"; in line 4, after the word "State", to insert "specifically prohibiting or regulating the use of fireworks"; in line 8, after the word "carrier", to strike out "or to a freight forwarder"; and in line 9, after the word "commerce", to insert "or to the transportation of fireworks in to a State for the use of

Federal agencies in the carrying out or the furtherance of their operations."

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. WILEY. Mr. President, the Senator from Florida [Mr. HOLLAND] desires to offer an amendment, to which I have no objection and which I shall accept. In view of the fact that there is no controversy over the amendment, I suggest that the Senate proceed to the consideration of the amendment to be offered by the Senator from Florida.

Mr. HOLLAND. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The CHIEF CLERK. At the end of the bill, it is proposed to add the following new section:

SEC. 3. This act shall not be effective with respect to—

(1) the transportation of fireworks into any State or Territory for use solely for agricultural purposes,

(2) the delivery of fireworks for transportation into any State or Territory for use solely for agricultural purposes, or

(3) any attempt to engage in any such transportation or delivery for use solely for agricultural purposes,

until 60 days have elapsed after the commencement of the next regular session of the legislature of such State or Territory which begins after the date of enactment of this act.

Mr. HOLLAND. Mr. President, the distinguished Senator from Wisconsin has asked me to explain the amendment briefly.

In explanation, I first send to the desk several communications which I have received. The first one is from Hon. Nathan Mayo, commissioner of agriculture of the State of Florida. It is in the form of a telegram sent to me under date of May 10. I may say that Mr. Mayo is one of the finest public servants our State has ever had.

The second communication is a letter dated May 13 addressed to me by Mr. M. U. Mounts, county agent, Cooperative Extension Work in Agriculture and Home Economics of the State of Florida for Palm Beach County.

The third communication is a letter dated May 13 addressed to me by Mr. W. T. Forsee, Jr., chemist in charge, agricultural experiment stations, University of Florida, Everglades Experiment Station, at Belle Glade, Fla.

I ask unanimous consent that the communications be printed in the Record at this point as a part of my remarks.

There being no objection, the communications were ordered to be printed in the Record, as follows:

TALLAHASSEE, FLA., May 10, 1954.

Hon. SPESSARD L. HOLLAND,

United States Senate:

In Florida, as you know, birds are very destructive to corn and other field crops. Use of firecrackers to frighten birds away has proven effective and economical and is better method than killing birds with guns or poison. Believe it would be disastrous to Florida agriculturists if H. R. 116 passed.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued June 23, 1954
For actions of June 22, 1954
83rd-2nd, No. 115

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HIGHLIGHTS: House received conference report on agricultural appropriation bill. Senate passed watershed bill. House passed forest-land use bill. Surplus commodities bill was sent to conference. Senate debated trade agreements bill. Senate committees reported tax revision bill and Labor-HEW appropriation bill. Both Houses agreed to conference report on Army flood-control appropriation bill, but Sen. Long entered motion to reconsider. Rep. Neal criticized surplus commodities bill and high price supports. Senate committee made decisions on farm program bill. Senate committee voted to report Federal employees' life insurance bill.

HOUSE

1. AGRICULTURAL APPROPRIATION BILL, 1955. Received the conference report on this bill, H. R. 8779 (pp. 8187-9). Attached to this Digest are statements pertaining to the measure.
2. SURPLUS COMMODITIES. Reps. Hope, Andresen, Hill, Cooley, and Poage, and Sens. Aiken, Young, Thye, Hickenlooper, Schoepfel, Ellender, Johnston, Holland, and Anderson were appointed conferees on S. 2475, to aid in disposal of surplus agricultural commodities (pp. 8142-4, 8233-4).
3. FLOOD-CONTROL APPROPRIATIONS. Both Houses agreed to the conference report on H. R. 8367, the Army civil functions appropriation bill for 1955, which includes flood-control items; but Sen. Long entered a motion to reconsider the Senate vote (pp. 8155-8, 8209-10).
4. FORESTRY. Passed as reported H. R. 2762, to revise the authority of the Department to issue permits for construction on and use of areas within the national forests for various purposes connected with commercial and industrial development, public use by State and other governmental agencies, and for educational

and recreational purposes (p. 8193).

The Government Operations Committee submitted reports on "The Government in Business -- Commissaries -- Forest Service -- Part 3" (H. Rept. 1908) and "The Government in Business -- Sawmills -- Part 4" (H. Rept. 1909)(p. 8241).

5. DISBURSING; PAYROLLING. Agreed to the conference report on S. 2844, to make permanent the authority for U. S. disbursing officers to perform certain financial transactions, such as payments in foreign currencies in connection with foreign duty (p. 8208).

Passed with amendment S. 2728, to authorize collection of indebtedness of Government personnel resulting from erroneous payments (pp. 8208-9).

6. LAND TRANSFERS. Concurred in the Senate amendments to H. J. Res. 458, to direct USDA to quitclaim retained rights in a tract of former FHA land to the Board of Education of Irwin County, Ga. (p. 8189). This measure will now be sent to the President.

Passed as reported H. R. 4928, to authorize sale of a tract of land at the U. S. Animal Quarantine Station to Clifton, N. J. (p. 8193).

7. RECLAMATION. Passed without amendment H. R. 8027, to extend for 3 years the time during which the Secretary of the Interior may enter into amendatory repayment contracts under the Federal reclamation laws (p. 8198).

8. PHILIPPINE IMPORTS. Discussed and, at the request of Rep. Bonner, passed over H. R. 9315, to provide for an extension on a reciprocal basis of the period of free entry of Philippine articles into the U. S. Rep. Bonner objected to the bill because the Philippine Government has rejected a bill to remove the restrictions on importation of Virginia leaf tobacco into the Philippines. (pp. 8206-7.)

9. EDUCATION. House conferees were appointed on H. R. 9040, to authorize cooperative research in education, and H. R. 7434, to establish a National Advisory Committee on Education (p. 8225). Senate conferees have been appointed.

10. BUILDINGS. The conferees agreed to file a report on H. R. 6342, to authorize purchase contracts for the erection of new Federal buildings (p. D721).

Rep. McCormack commended the service of William E. Reynolds, Commissioner of the Public Buildings Service (p. 8237).

11. FOREIGN TRADE. Rep. Williams, N. J., spoke in favor of expansion of foreign trade and the Randall Commission recommendations (pp. 8225-33).

12. BANKING AND CURRENCY. Rep. Patman criticized the current policies regarding Federal Reserve requirements, etc. (pp. 8237-9).

13. STOCKPILING APPROPRIATIONS. Received from the President a supplemental appropriation estimate of \$380,000,000 for 1955 for stockpiling strategic and critical materials (H. Doc. 441)(p. 8240).

14. VIRGIN ISLANDS. Passed with amendments S. 3378, to revise the organic act of the Virgin Islands (pp. 8210-22). No change was made in the provision regarding importation of diseased animals.

15. FARM LOANS. Passed as reported H. R. 5997, to provide that the Hawaii Legislature may authorize the issuance of general obligation bonds for purchase and making of mortgages on homes and farms of veterans (p. 8197).

cerned is authorized to charge the net amount of the unpaid and overpaid balances occurring in individual pay accounts against the appropriation for the fiscal year in which the balances occurred, and from which the amount was payable, and the net amount shall be credited to and paid from the corresponding appropriation for the next succeeding fiscal year.

(b) The act of February 9, 1946 (ch. 2, 60 Stat. 3) is repealed.

SEC. 4. Nothing contained in this Act shall be construed as repealing, amending, or modifying in any way the provisions of the act of May 22, 1928 (ch. 676, 45 Stat. 698).

Mr. HOFFMAN of Michigan. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN of Michigan: On page 3, line 1, strike out the words "Secretary of the Treasury" and insert the words "Director of the Bureau of the Budget."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 7477) was laid on the table.

CIVIL FUNCTIONS APPROPRIATION BILL, 1955

Mr. DAVIS of Wisconsin. Mr. Speaker, I call up the conference report on the bill (H. R. 8367) making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1955, and for other purposes; and I ask unanimous consent that the statement on the part of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the statement.

For conference report and statement, see proceedings of the House June 21, 1954.)

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 5: Page 3, line 23, insert "": *Provided further*, That not to exceed \$750,000 of the funds appropriated herein may at the discretion and under the direction of the Chief of Engineers be used in payment to the accounts of the Confederate Tribes of the Yakima Reservation; the Confederate Tribes of the Warm Springs Reservation; the Confederate Tribes of the Umatilla Reservation; or other recognized Indian tribes, and those individual Indians not enrolled in any recognized tribe, but who through domicile at or in the immediate vicinity of the reservoir and through custom and usage are found to have an equitable interest in the fishery, all of whose fishing rights and interests will be impaired by the Government incident to the construction, operation, or maintenance of the Dalles Dam, Columbia River, Wash., and Oreg., and must be subordinated thereto by agreement or litigation."

Mr. DAVIS of Wisconsin. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 7: Page 5, line 4, insert "including such sums as may be necessary for the maintenance of harbor channels, provided by a State, municipality, or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation."

Mr. DAVIS of Wisconsin. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 12: Page 7, line 22, insert "residence for the Governor."

Mr. DAVIS of Wisconsin. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 13: Page 12, line 15, insert:

"SEC. 105. Hereafter appropriations of the Military Department shall be available for the reimbursement of the Canal Zone Government for the cost of providing, in facilities operated by the Canal Zone Government, medical care, other than subsistence of dependents of military personnel."

Mr. DAVIS of Wisconsin. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. DAVIS of Wisconsin moves that the House recede from its disagreement to the amendment of the Senate numbered 13, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 105. Hereafter appropriations of the Department of Defense available for medical care shall be available for the reimbursement of the Canal Zone Government for the cost of providing medical care for dependents of military personnel (to the extent that such care heretofore has been provided) in facilities operated by the Canal Zone Government."

"The Department of the Navy is authorized and directed to transfer to the Canal Zone Government, without exchange of funds, all of the land, facilities, buildings, structures, equipment, furniture, and improvements of or pertaining to the Naval Hospital, Coco Solo, Canal Zone: *Provided*, That the amount representing the fair value to the Canal Zone Government of the transferred property shall, when approved by the Director, Bureau of the Budget, be added to the investment of the United States in the Canal Zone Government."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 14: Page 12, line 20, insert:

"SEC. 106. No appropriation or fund available to the Department of Defense shall be used after (September 1), 1954, for the maintenance and operation of hospitals in the Canal Zone."

Mr. DAVIS of Wisconsin. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. DAVIS of Wisconsin moves that the House recede from its disagreement to the amendment of the Senate numbered 14, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 106. No appropriation or fund available to the Department of Defense shall be used after September 1, 1954, for the maintenance and operation of hospitals in the Canal Zone."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 16: Page 13, line 2, strike out all of lines 2 to 6 inclusive and insert "to read as follows:

"SEC. 105. Amounts expended by the Panama Canal Company in maintaining defense facilities in standby condition for the Department of Defense hereafter shall, notwithstanding any other provisions of law, be fully reimbursable to the Panama Canal Company by the Department of Defense. Amounts expended by the Canal Zone Government for furnishing education, and hospital and medical care to employees of agencies of the United States and their dependents, other than the Panama Canal Company and Canal Zone Government, less amounts payable by such employees and their dependents hereafter shall, notwithstanding any other provision of law, be fully reimbursable to the Canal Zone Government by such agencies. The appropriation or fund of any such other agency bearing the cost of the compensation of the employee concerned is hereby made available for such reimbursements."

Mr. DAVIS of Wisconsin. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

(Mr. DAVIS of Wisconsin asked and was given permission to extend his remarks at this point.)

Mr. DAVIS of Wisconsin. Mr. Speaker, this conference report carries an appropriation of \$457,071,300. This amount is \$8,088,700 lower than the budget figures submitted by the President and represents very close to an even split between the amount carried in the bill when it passed the House and the amount of the bill as it passed the Senate. Specifically, it is \$27,024,200 beneath the Senate-passed bill and \$26,087,600 above the measure which passed the House.

With the exception of a very small planning item at South Beloit, Ill., every item for planning and construction which was included in the House bill is included in the conference report.

There are three planning projects included in the conference report which were not carried in the House bill. These are the Amherstberg Channel in Michigan, the Carlyle Reservoir in Illinois, and the Otter Brook Reservoir in New Hampshire.

The following construction projects are included in the conference report which were not carried in the bill at the time it passed the House: Kodiak Harbor, Alaska; Ozan Creek, Ark.; Crescent City Harbor, Calif.; Jennings Beach, Conn.; Toronto Reservoir, Kans.; Plaquemine-Morgan City, alternate route of Gulf Intracoastal Waterway, La.; Table

Rock Reservoir, Mo. and Ark.; New Cumberland locks and dam, Ohio, and W. Va.; Ferrell's Bridge Reservoir, Tex.; Quinby Creek, Va.

Mr. Speaker, this represents a reasonable compromise between the positions of the House and the Senate on this measure. The conference report is unanimous and I urge its adoption by the House.

WILLMORE ENGINEERING CO.

Mr. JONAS of Illinois. Mr. Speaker, I call up the conference report on the bill (H. R. 7258) for the relief of the Willmore Engineering Co., and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

(For conference report and statement, see proceedings of the House of June 15.)

The SPEAKER. The question is on the conference report.

The conference report was agreed to, and a motion to reconsider was laid on the table.

CORRECTION OF RECORD

Mr. COOLEY. Mr. Speaker, I ask that the following correction be made in the CONGRESSIONAL RECORD, page 7832, last column, third paragraph. I am quoted as having said in connection with the "Operation Reindeer" of the Foreign Operations Administration, "I do not want to say that the chairman of the Foreign Affairs Committee, the gentleman from Illinois [Mr. CHIPERFIELD] cooperated when I asked for information." As a matter of fact, I said, "I want to say that the chairman of the Foreign Affairs Committee, the gentleman from Illinois [Mr. CHIPERFIELD] cooperated when I asked for information."

I should like to make this correction and emphasize that the distinguished chairman of the committee cooperated with me in every way in trying to ascertain the true facts and in getting the letter declassified which the President wrote to the committee about the Christmas program and in making it available.

The SPEAKER. Without objection, the RECORD will be corrected accordingly. There was no objection.

REVISION OF THE ORGANIC ACT OF THE VIRGIN ISLANDS

Mr. ALLEN of Illinois. Mr. Speaker, I call up House Resolution 584 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5181) to revise the Organic Act of the Virgin Islands of the United States, and all points of order against said bill are hereby

waived. After general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Interior and Insular Affairs now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Virginia [Mr. SMITH], and at this time I yield myself such time as I may consume.

Mr. Speaker, I rise to urge the adoption of House Resolution 584, which will make in order the consideration of the bill H. R. 5181, to revise the Organic Act of the Virgin Islands of the United States. House Resolution 584 provides for an open rule, waiving points of order with 1 hour of general debate.

Mr. Speaker, the Organic Act of the Virgin Islands has not been amended to any large extent since its original enactment back in 1936.

H. R. 5181, Mr. Speaker, would consolidate and unify the two municipal governments of the Virgin Islands into one governmental organization serving the islands as a whole. A unicameral legislative body would replace the two presently existing municipal councils and this consolidation would eliminate a great deal of unnecessary expense and duplication of functions which exists under the present setup.

Mr. Speaker, this bill would also provide that the proceeds of the internal revenue taxes would be returned to the treasury of the Virgin Islands. Naturally under this arrangement, Mr. Speaker, an increased measure of local self-government would be given to the people of the islands and their economy would be thus further strengthened. It is hoped that the fiscal provisions contained in this bill will obviate the necessity of Congress making annual deficit appropriations to take care of the Virgin Islands.

Mr. Speaker, this bill is a highly technical one in that the whole governmental structure of the Virgin Islands has been carefully studied by the members of the Committee on Interior and Insular Affairs. It is obvious by just reading the bill and report that very serious study has been given by the committee to both the needs and the desires of the people of these islands. The Department of State has recommended enactment of this bill and the President has also urged favorable action by the Congress in order that the welfare and needs of the Virgin Islands and its people may best be taken care of.

Mr. Speaker, I hope that the rule will be adopted and that the House will then proceed to the consideration of the bill.

Mr. SMITH of Virginia. Mr. Speaker, I have no requests on this side and I know of no opposition to the rule.

Mr. ALLEN of Illinois. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. MILLER of Nebraska. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5181) to revise the Organic Act of the Virgin Islands of the United States.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 5181, with Mr. ALLEN of Illinois in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

[Mr. MILLER of Nebraska addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. SAYLOR. I thank the gentleman.

Mr. Chairman, the purpose of this bill is to revise the Organic Act of the Virgin Islands. In 1917, as the result of a treaty, the United States acquired the Virgin Islands. They were operated under the Navy until some time in 1931. During all of that time there have been a series of naval governors. These governors had been appointed by the President, and there was no local autonomy of any sort. In 1927 United States citizenship was conferred upon all the people who lived in the Virgin Islands. In 1931, by Executive order, the islands were placed under the Department of the Interior.

In 1936 Congress passed the first organic act for these islands. That act was the first attempt made by Congress to allow any local self-government. From 1936 until 1954 it has become evident that the present law has many inequities which need to be changed. One of the greatest problems which exists in the islands is that on the Island of St. Thomas and St. John the municipal council operates as the governing body. On the Island of St. Croix, 40 miles away, the municipal council occupies the same position. Those two councils by law at the present time meet as the legislature.

One of the great difficulties that has arisen down in the islands is that the legislature has remained in session constantly. This bill places very definite limitations upon the legislative body. First, we abolish the two town councils and elect a unicameral legislature. It is composed of 11 members elected for a term of 2 years. One must be from the island of St. John, 2 from the island of St. Croix, 2 from the island of St. Thomas, and 6 elected at large. In voting for the members at large each elector can vote for 4 members. The legislature is to meet annually and the mem-

bers receive a yearly salary of \$600. The act specifically provides that they shall be in session for not more than 60 days in any year with the right of the governor to call two extra sessions, of 15 days each, in case of emergency.

As to the executive branch, the governor is still appointed by the President. The secretary of the islands is appointed by the President, and is to live on the island of St. Croix, while the other officers which have been heretofore appointed by the Secretary of the Interior, are abolished.

In the judicial branch a number of changes have been made. Our committee is deeply indebted to Judge Maris of the third judicial circuit. Judge Maris has taken a great interest in the insular possessions of the United States and has been of tremendous help in drawing up the codes for Guam, for the trust territories, and now for the Virgin Islands.

One of the principal changes is that the Federal judge appointed for the Virgin Islands and appointed by the President and confirmed by the Senate shall serve for a term of 8 years rather than for a term of 4 years.

There is a tremendous change also in the fiscal provisions. One of the principal complaints against the Virgin Islands has been that since 1917 they have been a constant drain upon our country and upon our Treasury. There is an effort in this bill to relieve the people of the United States from this drain upon their Treasury and a sincere effort to make the islands self-sufficient. The manner in which that is done is this: That we turn into the Treasury of the Virgin Islands the moneys which would normally come to the Treasury of the United States, with the understanding that they will get dollar for dollar provided they will raise that same amount of taxes in the Virgin Islands. This will cause the people of the Virgin Islands to become tax conscious. Heretofore, it has been a very nice thing to run their business at a loss and then, at the end of the year, come up and ask the Congress of the United States through the Appropriations Committee to make up the deficit. This will make the people down there realize that if they expect to get moneys from the United States through taxes which would normally go to the Treasury, they must raise a similar amount in the islands.

One of the principal provisions in the bill is actually to make the Virgin Islands a free port. The tourist trade is one of the principal businesses, if not the principal business, in the Virgin Islands. It has been the sincere effort of your committee to encourage the tourist trade. To do that we have placed in the bill a provision that foreign goods, bearing a genuine foreign trade-mark, shall be allowed to come into the islands without the application of the patent laws or the trade-mark laws. There was considerable concern by many bureaus of the Federal Government that the provision as drafted would open the door and allow spurious goods to come into the United States. In an effort to make sure that this was not the case, the De-

partment of the Interior, the Patent Office, the bureau having to do with trade-marks, all of the interested bureaus of the Federal Government met, and agreed upon a substitute which will be offered here on the floor.

Mr. JAVITS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from New York.

Mr. JAVITS. Whenever the gentleman is ready, I have 1 or 2 questions and if this is a good time to ask them, I should like to ask them now.

Mr. SAYLOR. I should be very happy to have the gentleman from New York ask any questions.

Mr. JAVITS. The gentleman has done an enormous job on this subject and we are all very grateful to him, because of the kind of a job that it is, one of specialization. Some very serious questions have been raised with me by constituents and I have chosen two of them which I think are important. They go to the question whether this will give the Virgin Islands autonomy and real self-government, in view of the fact that, like Puerto Rico, this is a showcase in the Caribbean so far as all of Latin America is concerned, a showcase for American principles of self-government. We have certainly made a marvelous record in what we have done in the Philippines and in Puerto Rico and, I am sure, in the Virgin Islands. I should like to ask the gentleman first whether he believes the objection which is made that the local legislature does not have the power to pass on the Governor's reorganization or consolidation plans for the local government, represents any deprivation of autonomy.

Mr. SAYLOR. I do not; I will tell the gentleman why. I am satisfied that there has been no movement on behalf of the Virgin Islanders themselves toward independence. I should like to say, for the benefit of the gentleman from New York [Mr. JAVITS] and other Members of the House that there are two definite points of view with regard to what should be done for the Virgin Islands. First, there is the view of the Virgin Islanders themselves, those people who were born and reared in the islands, those people who have moved to the islands and say that it is their home. They have one view. I might say that I have never come as close to getting a unanimous opinion on any one subject from a group of approximately 27,000 people as I have been able to get on this bill from the people who live in the Virgin Islands. The other group are those Virgin Islanders who saw greener pastures somewhere else, who have left the Virgin Islands and who have gone to New York, who have gone to Chicago, who have gone to Los Angeles, who have gone to Philadelphia, who have gone to many of the other great metropolitan centers in these United States. From those groups, from those people who have left the Virgin Islands comes almost a unanimous opinion that this bill is not good. I say to the gentleman from New York that it was the unanimous opinion

of our committee in discussing this bill and this problem that it was our duty to listen to the Virgin Islanders who lived in the Virgin Islands as to what they feel is good for themselves and not to listen to some people who have left the Virgin Islands and gone somewhere else.

Mr. MILLER of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield.

Mr. MILLER of Nebraska. The gentleman from New York might find part of his answer on page 50, lines 11 to 17, of the bill:

The heads of the executive departments created by this act shall be appointed by the Governor, with the advice and consent of the legislature.

Then lines 16 and 17:

Each shall have such powers and duties as may be described by the legislature.

That certainly is a step forward. That is not owing to the Reorganization Act but to the fact that they will have something to say about who shall head up the various departments of government.

Mr. SAYLOR. I might say following that that this provision was not in the original organic act.

Mr. JAVITS. May I ask one other question? I think we shall have some debate on this question, for the gentleman from New York [Mr. POWELL] will probably move with respect to it. Why is there an elimination in this bill of the provision in the organic act which states that qualified natives shall be given consideration for governmental posts in the islands?

Mr. SAYLOR. That provision, which was in the organic act, provided solely for the appointments by the Secretary of the Interior. The Secretary of the Interior has no authority any more with regard to appointments in the islands. Therefore, that provision was taken out. That provision was not in the original organic act with regard to any appointments made by the President.

Mr. JAVITS. May I say to the gentleman that though there may be objections from those who are in the United States, I think they have to be listened to pretty carefully. These are American citizens. It sometimes happens that when you are not directly under the responsibility yourself you can do some objective thinking about a question, so I do believe that a very serious answer must be made to their qualms, which are very real and very sincere, about this bill.

Mr. SAYLOR. I might say to the gentleman from New York that they appeared before our committee both here in Washington when we held hearings and when we were down in the Virgin Islands.

Mr. JAVITS. I thank the gentleman.

Mr. REAMS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Ohio.

Mr. REAMS. I do not represent any Puerto Ricans who have come to this country but I am interested in some people from my district who have spent a great deal of time and money and are greatly interested particularly in the

Island of St. Croix. It is their opinion, and in reading the bill today it is confirmed, that St. Croix will have no representation or the representation of St. Croix will be greatly diminished by this bill. St. Croix had previously not only a town council, which gave them a local council, but that one combined with the other two councils and came together at a meeting on the Island of St. Croix, where they met as the general council, I believe it was called, and which was like the legislature you are setting up now. However, the legislature will not be held on the Island of St. Croix but 40 miles away over a rough sea. The people will have great difficulty in getting the proper representation. That is the objection, and it seems to be borne out by a careful reading of the bill and the report.

Mr. SAYLOR. I might say to the gentleman from Ohio that the plan for the election of the legislature is so that each one of the islands will be represented, and provides that there shall be 1 elected from the island of St. John, 2 from the island of St. Thomas, and 2 from the island of St. Croix, and 6 at large. Each person who votes shall be entitled to vote for those on his own island, and when it comes to voting for the representatives-at-large, each person shall be entitled to vote for four. Since the population of the islands is divided almost equally, that is, there are approximately 13,000 people on the island of St. Croix, about 13,000 on the island of St. Thomas, and around 700 on the island of St. John, I see no reason whatsoever for the people in St. Croix feeling that they will not be represented. If they stand together on their island, the people on the other islands could have the same complaint. Now to answer the question that the gentleman has raised that they may not have any representation, in our bill we have specifically provided that the secretaries shall live in St. Croix so that they will have something on the island that they have never had before, and that is an actual representative appointed by the President.

Mr. REAMS. That seems to me to be small comfort to have a secretary who is resident there. You have taken away their local town meeting and you have taken away their local council on this rather large island, which is as large as the island of St. Thomas, and which is 40 miles away from the other islands where they would have to go to get any representation except, of course, through the two representatives that they are assured that they will have.

Mr. SAYLOR. They may have eight representatives. They may elect all six of the representatives-at-large. There is nothing here which would prevent the six-at-large coming from their island and being elected.

Mr. REAMS. That is not very likely because St. John and St. Thomas are close together and will work more or less as a unit, while St. Croix is set apart and is over 40 miles away separated by the sea. Furthermore, St. Croix is an island which is divided pretty much in two by high ground in the middle, and it is not very likely that they will elect any,

and certainly not all of the delegates-at-large. The objection I have specifically is that there is no local government. There is no local government at all except a resident secretary on that island of St. Croix which is far apart from the rest of the islands where the governing is going to take place.

Mr. SAYLOR. That is one of the matters which was considered by our committee. It was one of the matters which was considered by the islanders themselves, and they were happy with the solution which we arrived at.

Mr. REAMS. But, I am not.

Mr. SAYLOR. I am satisfied that this bill will be a great forward step in the history of the Virgin Islands and will promote the welfare and the economy of the peoples and of the islands themselves. I urge every Member to support this measure.

Mr. ENGLE. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. POWELL].

Mr. POWELL. Mr. Chairman, I first would like to compliment the members of this subcommittee, and the gentleman from Pennsylvania, for the time they have put in on this task.

Mr. Chairman, any act which bears the date of 1936 is in need of revision. The world has moved with such startling rapidity during the past 18 years that anything that old is outmoded by now. This act does in a limited way improve or remedy some of the mistakes and errors in the organic act of 1936, but I do not think that today, in 1954, this model 1936 act is the kind of act that we can hold up before the world as indicative of American democracy and American progress and as indicative of the kind of daring leadership which the world is expecting from the United States of America. This is a 1936 model with a new paint job, and with 1 or 2 minor improvements to the engine, but it in no way is a model which can keep pace with problems in an age of atomic energy and jet propulsion.

The major objections to this bill may be considered in two categories: First, those provisions which wipe out rights and powers enjoyed by the people of the Virgin Islands for the past 18 years, rights conferred on them by a Democratic Congress with capital D; and secondly, the unwarranted failure of the bill to provide for any advance whatsoever toward increased self-government, which is a promise we have made to these people and to the world insofar as dependent peoples are concerned. Most disturbing of all to me is the underlying distrust and lack of confidence in the natives of the Virgin Islands which this bill reflects in almost every major proposed change. Let me give a few examples to show just what I mean:

First. The bill limits the elector in his vote. He may only vote for 4 out of 6 of the candidates at large. Why should an act of Congress guaranty the election of certain persons to the Legislature of the Virgin Islands? If such a provision was not necessary for the past 18 years of universal suffrage, why is it necessary today?

Second. The bill deprives the legislature of the power to call special sessions, and reserves this right to the governor alone. Why this increase in the power of an appointed governor and the corresponding decrease in the power of the elected representatives of the people of the Virgin Islands? If such a provision was not necessary for the past 18 years, why is it necessary today?

Third. The bill wipes out the power of the legislature to pass on the reorganization of the executive departments and agencies, and gives the governor the absolute power of reorganization without the approval of the legislature. If such a provision was not necessary for the past 18 years, why is it necessary today?

It should be quite clear that each one of these provisions is intended to serve the same purpose; that is, to reduce the status of the people of the Virgin Islands, and to increase the power of a governor appointed and controlled by Washington, D. C. In my view the bill is objectionable for any single one of these reasons, and therefore is more objectionable when you add together the three provisions I have chosen as examples. It seems to me this is a strange way to increase self-government as some persons claim this bill does.

Now I want to mention 1 or 2 ways in which the bill fails to provide for the people of the Virgin Islands even a minimum advance in self-government. There is a provision for a limited return to the Virgin Islands treasury of the proceeds from the United States internal revenue taxes on goods manufactured in the islands and shipped to the United States; but there are also limitations on the purpose for which these taxes may be used. The Congress did not place any such restrictions on Puerto Rico or Guam when similar funds were made available to those two Territories. Why this deliberate reflection on the integrity of the people of the Virgin Islands? Why give them an economic benefit with one hand, and at the same time give them a political or constitutional slap in the face with the other hand?

Also, there is the major policy question of taxation without representation. For two decades these people have been petitioning for a Resident Commissioner to the Congress, and this is still being denied them on the ground of the cost. Certainly the fundamental right to representation set forth in the Constitution of the United States is not to be measured in dollars and cents.

Lastly, the bill provides for the retention of the Presidential veto of any local legislation, and this is a final veto. It seems to me we could at least allow the elected representatives of the people to override the Governor's veto, and be satisfied with the final safeguard which resides in the power of the Congress to annul any territorial legislation it considers unwise, and not deprive these people of the feeling of full responsibility even for their local legislation.

This bill is so full of features which reflect on the good reputation and demonstrated ability of the people of the Virgin Islands that I believe it bears looking

into further, and should not be passed in a summary fashion.

RESOLUTION PASSED BY THE BOARD OF DIRECTORS AT ITS MEETING JUNE 14, 1954

In keeping with America's democratic principles, the NAACP urges Congress to revise the Organic Act of the Virgin Islands in a manner which will protect and extend present powers of the local legislature to act for the people of the islands.

Congress is also urged to support as soon as possible fuller measures of self-government in the form of an elected governor and a resident commissioner.

While S. 3378 and H. R. 5181 carry certain economic advantages for the Virgin Islands, neither of these bills reflect any democratic gains over the organic act of 18 years ago and in one major particular actually represents a backward step through denying to the local legislature the power to approve or disapprove executive department reorganization.

The NAACP regards S. 3378 and H. R. 5181 designed to revise the Organic Act of the Virgin Islands as insufficient to protect previously held powers by the local legislature and lacking in any extension of self-government measures such as the right to elect a Governor and Resident Commissioner. We call upon Congress to correct these defects.

When you say that the peoples of the islands want this act and people in America from the islands do not want the act, if that is true I think it is very, very constructive and very healthy criticism, because it means those Virgin Islanders who have come to the mainland and have breathed a little of this air of freedom that we have here, tasted a little of the dignity and quality of the common man that we have here, that they want the same, not only for the Virgin Islands but for any peoples over whom the Stars and Stripes fly.

AMERICAN VIRGIN ISLANDS
CIVIC ASSOCIATION, INC.,
New York, N. Y., June 2, 1954.

Re H. R. 5181.

Hon. ADAM C. POWELL,
The House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN: The American Virgin Islands Civic Association, Inc., representing 12,000 (more or less) natives residing on the mainland, has directed me to remind you of the impending passage by Consent Calendar of bill H. R. 5181 to revise the Organic Act of the Virgin Islands.

Its companionate bill, S. 3378, was passed by Consent Calendar a few days ago, despite the fact that the native inhabitants and mainland civic groups had asked its sponsor, Senator BUTLER, to delay action until a meeting of minds had been held in the interest of unity.

We are informed by Congressman A. L. MILLER, of his determination to pass the bill as written, without debate on the fifth instant.

Both sponsors of the bill defend their position by producing some 50 telegrams largely from continentals who reside in the islands, who are seeking to establish race discrimination, are opposed to the civil rights to which the native inhabitants are entitled and to deny them the autonomy they now enjoy.

The bill as written, if passed by Congress will be a mockery to the freedom of the peoples of this nation and destroy the usefulness and loyalty of the most sincere and devoted citizens of the United States to be found in any of our outlying possessions, or elsewhere.

The American Virgin Islands Civic Association, Inc., in conjunction with the American Civil Liberties Union, is perfecting plans

for a convention in the islands of all groups—business, civic, political, and labor—with the consent of their legislative assembly.

The purpose will be to bring about unity and subsequently the draft of an organic act upon which they are of a majority agreed.

Since there is no fair and just reason to ram down their throats an organic act where there is widespread dissatisfaction and increasing bitterness, it is the hope of this association that your aid be enlisted to remove H. R. 5181 from the Consent Calendar and that no action be taken during this session of Congress.

Sincerely,

THE AMERICAN VIRGIN ISLANDS
CIVIC ASSOCIATION, INC.,
ASHLEY L. TOTTEN, President.

AMERICAN VIRGIN ISLANDS
CIVIC ASSOCIATION, INC.,
New York, N. Y., June 11, 1954.

Re bill H. R. 5181.

Hon. ADAM C. POWELL, Jr.,
House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN: The American Virgin Islands Civil Association, Inc., representing 12,000 (more or less) natives who reside on the mainland is seeking to enlist your aid to delay legislation of bill H. R. 5181 which was removed from Consent Calendar on the seventh instant and is now before the Committee on Rules.

This bill was introduced by the Honorable A. L. MILLER, Republican, of Nebraska.

Bill S. 3378 passed the Senate without debate after Senator BUTLER had promised not to push it through in light of the widespread dissatisfaction in the islands.

Bill H. R. 5181 was slated for immediate passage on the Consent Calendar. Congressman MILLER made it clear his determination to have it passed as written. Briefly, I might explain that this association, in conjunction with the American Civil Liberties Union, is not wholly opposed to the bill insofar as most of its economic provisions are concerned. Wherever it is intended to make retrenchments in the interest of good government and to avoid unwise expenditures, we are wholly agreed.

Our main objection is based upon the deletion of the clause in the current Organic Act of 1936, which provides that "qualified natives be given consideration to governmental posts in the islands." The attempt to push the present bill through Congress comes out of the fact that the present Republican administration has already removed a number of natives from positions, replacing them by Republicans from the mainland. If the bill as written passes this session of Congress, practically no native will be found holding any official position down there.

The native inhabitants represented by their legislative assembly appealed to the President of the United States not to be placed in any less favorable position, but instead be given the right to additional autonomy to elect their own native governor and other executive officials as was recently granted to the island of Puerto Rico. We submit to you that any fact-finding body will agree that the people of the Virgin Islands are highly intelligent and are perhaps the most loyal citizens of the United States to be found in any of our outlying possessions. The question therefore arises, why should there be any form of discrimination against them? Other major losses in local self-government, which would result if the bill becomes law are as follows:

1. It deprives the local legislature of the power to call special sessions;
2. It deprives the local legislature of the right to pass on the governor's reorganization or consolidation of existing executive departments, bureaus or agencies;

3. It prohibits the local legislature from creating any new executive departments, bureau or agency without the consent of the Secretary of the Interior;

4. It establishes a government comptroller, thereby imposing an additional so-called "watch dog" to guard expenditures, although under existing law there are the Commissioner of Finance and the Governor, both federally appointed officials, to watch over these funds.

Our interest is in greater autonomy for the Virgin Islands, but an autonomy agreed upon by the islanders themselves. There is no such agreement now; the municipal councils of the two main islands are split on the pending bill, which is in danger of passing the House after adoption by the Senate without debate.

In view of the fact that the present system of government of three separate islands has been shown to be unsuitable, no action should be taken by Congress to revise the Organic Act until further studies are made. There is no urgency for action, and the course of wisdom in view of the widespread opposition in the islands, is to delay legislation in the present Congress.

Sincerely yours,

ASHLEY L. TOTTEN,
President.

However, I would like to add that it is not totally true that the peoples of the Virgin Islands are in favor of this bill completely. Permit me, please, to insert at this point the views of members of the legislative assembly presented to me by the vice chairman of the legislative assembly:

THE LEGISLATIVE ASSEMBLY
OF THE VIRGIN ISLANDS
OF THE UNITED STATES,
Charlotte Amalie, St. Thomas, V. I.,
April 28, 1954.

ADAM C. POWELL, Jr.,
Member, Committee on Education and
Labor, House of Representatives,
Washington, D. C.

SIR: The people of the Virgin Islands are greatly disturbed and alarmed at some of the provisions contained in the draft of Organic Act for the Virgin Islands, which has been recommended by the Subcommittee on Interior and Insular Affairs of the House of Representatives. The people feel that the revised Organic Act, as proposed by the subcommittee, is definitely not in our best interests, and that if it is finally enacted by the Congress of the United States, it will give us considerably less self-government than we now enjoy.

Our principal objections to the subcommittee's recommendations are detailed in an enclosed brief, which we hope you will find time to read and study. We are confident that after giving this matter consideration you will agree that the people of the Virgin Islands are entitled to a better deal.

Virgin Islanders are loyal, patriotic, and devoted American citizens. Our sons have fought and died in the defense of the things for which America stands, and we are very proud of the fact that this is one American community where no alien ideology has reared its ugly head. It is also to the everlasting credit of Virgin Islanders that we campaigned long and hard to be included in the selective service, and that a higher percentage of Virgin Islanders volunteered for military service during the last war than the residents of any other State or Territory.

For 18 years we have lived with an Organic Act that represented, when it was enacted in 1936, a political advancement for the people of the Virgin Islands. Because of the progress achieved since 1936 we feel that we are entitled to a greater measure of self-gov-

ernment. We have asked for the right to elect our own governor, if not immediately, then within the next 5 years. We have requested the right to elect a Resident Commissioner to represent the islands in the Congress of the United States. We have sought increased powers for the legislature, including the right to over-ride executive vetoes. One year ago, the people went to the polls, and by their votes, asked Congress to give us this measure of greater self-government.

The draft of organic act as reported out by the House Subcommittee, not only withholds many of these advances sought by the people but in many respects it would reduce even the little autonomy now enjoyed by the people. For example, there are proposals to transfer from the legislature to the Governor powers which are normally reserved for the legislature, and the Governor would continue to remain an appointive official. Moreover, the draft of organic act under consideration in Congress would strip the legislature of certain other powers and transfer them to the Secretary of the Interior.

The people of the Virgin Islands are sufficiently matured to run their own local governmental affairs. For several years, virtually every position in the islands—from Governor down—has been in the hands of Virgin Islanders who have served with efficiency and competence. We have continually aspired and worked diligently for social, political and economic advancements, but if the organic act reported out by the House subcommittee is passed, it would dash our hopes of ever attaining the goals which we have thrusting for nearly two decades.

We hope and pray that you will use your influence to assist the Virgin Islands to obtain an organic act that is not only in accord with the people's wishes, but in keeping with the determination of the United States to give to its Territories and possessions the greater measure of self-government to which Virgin Islanders, as first-class American citizens, are entitled.

May we be favored with your interest in this problem, and your cooperation.

Respectfully yours,

EARLE B. OTTLEY,
*Virgin Islands Vice Chairman,
Legislative Assembly.*

VIEWS OF THE LEGISLATIVE ASSEMBLY OF THE VIRGIN ISLANDS ON A REVISED ORGANIC ACT FOR THE VIRGIN ISLANDS OF THE UNITED STATES

There are two fundamental and important objectives to be attained in any revision of the Organic Act of the Virgin Islands. They are: (1) more self-government for the people; and (2) improvement of the local economy. Any revision of the organic act which is not designed to accomplish these objectives cannot be considered by the people of the Virgin Islands as a substantial improvement over the present organic act which was passed by Congress in 1936. Unfortunately, none of the essential elements for more self-government are included in the drafts of a revised organic act which are now being worked upon by the Senate and House Committees on Interior and Insular Affairs.

The essential element for more self-government are (1) a Resident Commissioner elected by the people to represent them in the Congress of the United States; (2) the election of the Governor by the people; (3) a single legislature with full legislative powers to make the laws without the stultifying effect of the absolute executive veto.

It is simple justice to grant to the people of the Virgin Islands representation in the Congress of the United States by a Resident Commissioner. Representation is a basic principle of American democracy which should not be denied any citizens of the United States whether they reside on the

continent or in the American Territories. Taxation without representation is anathema in American democratic government. It has been claimed that the cost of maintaining the office of Resident Commissioner in Washington, D. C., is prohibitive for a population of only 27,000 people. We are of the opinion that such a fundamental principle of American democracy cannot be sacrificed on the altar of dollars and cents. The expense of maintaining the office of a Resident Commissioner in Washington, D. C., is negligible when compared with the investment being made by the United States to assist friendly nations to improve their economy in order to maintain self-government, independence, and freedom.

Ever since the enactment of the present organic act in 1936 the people of the Virgin Islands have been advancing steadily to political maturity and responsibility in public affairs. Through the years, Virgin Islanders have become outstanding on the national level in government, education, business, and other competitive fields. Every year, more and more Virgin Islands students are entering institutions of higher education in continental United States. Many have made a name for themselves among students on a nationwide level. There is no illiteracy to speak of in the Virgin Islands. Native leadership in local government has been progressing during the past years. All these are facts which should convince the Congress of the United States that the people of the Virgin Islands are ready for more self-government, including the right to elect the Governor. While we firmly advocate the election of the Governor by the people, we realize that a practical time-table should be arranged for a smooth transition from an appointed to an elected Governor. Whether Congress, in its wisdom, considers 1956 as the year for the first election of the Governor or a later year, we urge that a specific date be set in the new Organic Act now being considered. We do not agree with those who are of the opinion that the election of the Governor should be left to a future amendment to the Organic Act. We believe that the time-table should be set in the present contemplated revision, and thus give the people a goal toward which they can work.

A legislature with full powers to make the laws is an element of self-government which should not be denied the people of the Virgin Islands. The absolute executive veto which has been retained in the drafts of Organic Act now being considered is a yoke of colonialism which should be lifted from the shoulders of the people of the Virgin Islands. A legislature cannot operate as such unless it has all the powers inherent in a legislative body according to the principles of American democracy and the fundamental philosophy of three separate but coordinate branches of government. A strong executive and a strong legislature are both necessary for the proper functioning of American democratic government. The right of the legislature to make the laws with power to override the Governor's veto without further interference is a right which should not be compromised. We recognize and respect, however, the reserve power of Congress to annul any laws passed by a territorial legislature.

In the drafts now being considered by the Senate and House committees the franchise of the people is curtailed by the provision of allowing the voters only to vote for 1 or 2 of the 6 members to be elected at large from the Virgin Islands. This provision will result in the fragmentation of representation, and will prevent the establishment of the two-party system which has been the basis of political progress in continental United States. In order that the two-party system may be developed in the Virgin Islands the machinery should be provided in the Organic Act which would encourage and stimulate

such development. In our case the voters should be given an opportunity to vote for all the representatives in a given district or at large.

The elimination of the requirement that all voters be able to read and write the English language is a feature which should be reconsidered. This elimination can result in the election of representatives who can only speak a foreign language, thus causing embarrassment and retardation of progress in a community where the English language is predominant and all official transactions are conducted in that language. The requirement that all voters be able to read and write the English language is written into most of the State constitutions with but few exceptions. This requirement which is included in the present Organic Act of the Virgin Islands has caused no resentment or opposition among American citizens who speak a foreign language only residing in the islands since 1936.

While we do not believe that compensation for members of the legislature should be included in the Organic Act, we accept, as a compromise, the recommendation of the Department of the Interior as indicated in the original draft of H. R. 5181, which allows a per diem of \$15 for each day of the legislative session. We also recommend that the limitation on the number of round trips which may be made by any member traveling officially from one island to another be deleted. Such a limitation will not effect any substantial economy, but may at the same time result in impeding the proper functioning of the legislative body.

The provision that the judge of the district court shall fill any vacancy in the office of a member of the legislature by appointment from a panel of three names supplied by the legislature is repugnant to the basic American doctrine of separation of powers. In all other systems of American government the judiciary is scrupulously kept out of the affairs of the two political branches of the government. If an elective governor is provided he should be granted the power to fill vacancies in the legislature. If an appointed governor is retained, then the legislature should determine by law how vacancies in the said body may be filled. While we fully agree with economy in government, we do not believe that such economy should be obtained at the expense of violating the basic tenets of American government in the Virgin Islands.

The requirement that the government secretary shall reside in St. Croix, and serve as administrator for that island without additional compensation, is impractical if the said official is to have custody of the seal of the Virgin Islands and countersign and affix such seal to all executive documents while the Governor resides in St. Thomas. No substantial economy will be derived from the elimination of the position of administrator for St. Croix; but, on the other hand, the business of the executive branch may be seriously affected. We recommend that a Lieutenant Governor be appointed who shall reside in St. Croix, and a government secretary be appointed who shall reside in St. Thomas along with the Governor.

While the Governor should be given the authority to reorganize and consolidate executive departments, bureaus, independent boards, etc., he should exercise this power with the consent of the legislature. The legislature is responsible for appropriating the funds necessary for the operation of the executive branch and should have some control over any reorganization plan. Besides, it is absolutely unnecessary to authorize the Secretary of the Interior to have veto power over any legislation passed by the legislature to create any new administrative agency. The enactment of legislation, whether to create new agencies or other-

wise, should be left exclusively to the legislature and the Governor. Incidentally, there is need for including a department of public safety which has been inadvertently omitted from the drafts of Organic Act now being considered.

The creation of the position of government comptroller with exclusive jurisdiction over all accounts, funds, and property is a feature which is entirely new. It was not recommended in any of the drafts of Organic Act originally submitted. The powers granted this official tend to create a financial dictatorship which is totally unnecessary and unwarranted. The official will be even separate from the local executive branch of government. The functions of this office will be unwieldy, topheavy, and very complicated for a simple government in the Virgin Islands. We recommend that the position of auditor be restored as provided for in the original drafts submitted by the Department of the Interior and the Legislative Assembly.

We are gratified to note that many features have been included in the bill to provide for the return of the internal revenue taxes to the treasury of the Virgin Islands. We are not opposed to the provision that the internal revenue taxes be transferred to the local treasury in amounts equal to the total amount of the revenue collected by the local government during the fiscal year. We realize that this stipulation has been made in order to stimulate the raising of revenues from local taxation. However, we recommend that the internal revenues transferred to the local treasury on a matching basis be made available for expenditures determined by the legislature and the Governor without the complication of further approval of the President or his designated representative. We have no objection to the other portion of the internal revenues which will be placed in a special fund for emergency purposes and essential public projects being expended only with the prior approval of the President or his designated representative. We strongly urge that this amendment be made.

While the drafts now before the House and Senate committees include certain important features for the improvement of the economy of the Virgin Islands the elements essential for more self-government have not been considered. These elements are also necessary if the territory of the Virgin Islands is to advance from the present state of colonialism. All over the world peoples in dependent areas are aspiring to more self-government. The people of the Virgin Islands are no different as has been manifested in the results of the referendum held here in 1953. In this referendum the people voted to petition Congress for a Resident Commissioner, an elective Governor, a single legislature, and the return of the internal revenue taxes to the treasury of the Virgin Islands. We aspire only to the privilege to run our own affairs as an incorporated territory of the United States.

The people of the Virgin Islands are proud to be American citizens. We are a devoted and loyal people, willing to make any sacrifice necessary for our sovereign nation. We want to be allowed all the responsibilities and privileges which first-class American citizenship demands. We are not afraid to shoulder the responsibilities, but we also desire to have the privileges that go along with first-class American citizenship. We petition for the sympathetic consideration of the Congress of the United States in granting us those powers which are essential to self-government. We fervently urge that the views expressed in this brief be carefully considered by the Senate and House Committees on Interior and Insular Affairs and be incorporated in the draft of

revised Organic Act for the Virgin Islands to be reported for adoption by Congress. Respectfully submitted.

THE LEGISLATIVE ASSEMBLY OF THE
VIRGIN ISLANDS,
EARLE B. OTTLEY, *Vice Chairman*.
CHARLOTTE AMALIE, ST. THOMAS, V. I.,
April 28, 1954.

The gentleman from Ohio [Mr. REAMS] has just stated the point of view of people who live there, white people I imagine, people of substance, as he has pointed out in his remarks, who feel that this is a decrease in autonomy. And it is a decrease in autonomy. I trust that when the time arrives the committee will accept an amendment which I am going to offer which will change the picture somewhat. It will at least say that in the reorganization of the Virgin Islands the legislative body shall at least play a part in reorganizing their islands. That is all. For, as the bill is now constituted, the Governor has complete autocratic control over the reorganization of those islands without the consent or approval of the people at all. In other words, it is a form of colonialism. That is a bad word, a nasty word, a word that we Americans should be ashamed to speak of in connection with any part of the earth with which we are connected. But this is a form of colonialism. Whenever you put one man, however honest or good he may be, such as the present Governor, the Honorable Archibald A. Alexander, whom I have admired and respected for many years, in absolute control of peoples, those people who are the citizens, born and raised there for generations, you place them under him and give them no opportunity to advise, and take away from their legislative assembly all power to reorganize their own homeland. What other word do you call this than colonialism?

This is why we are losing throughout the world. This is just a capsule, this is just a tiny island, only 30,000 people, but it is a symbol to 2 billion colored people throughout the world who say, "If this is the kind of democracy that America wants us to follow, we are going to have to look twice." You can bring here His Imperial Majesty from Ethiopia, you can bring Dr. Azikiwe from Nigeria, you can entertain those people, such as the President of Liberia, who is coming here in October, but when the common man knows that this is the way we are practicing democracy, he is not going to listen to our preachments concerning democracy.

I believe that this minor amendment I have—totally insufficient, yet it will change the picture somewhat and take away from us who are here today the stigma of being American imperialists. So I ask, when the time comes under the 5-minute rule, that I may have the support of this body, bipartisan support, in changing this part of the bill.

Indochina is falling, Cambodia—all these countries are slipping away from us because the French refuse to give them complete freedom. The Virgin Islanders do not want complete separation from the United States, neither do the

Puerto Ricans; they are part of America, but they want autonomy, and they should have autonomy, and we should be glad to give it to them.

They should have the power to elect their own officials.

A great English poet once gazed from the white cliffs of Dover across the narrow expanse of water that separated England from the rest of Europe. Matthew Arnold wrote:

We live between two worlds; one world is dying, and the other world has not yet been born.

We in this year 1954 are privileged to live upon the threshold of an utterly new earth. This new world need not of necessity be a better world, it can be a worse world. It will be a better world, however, if we can rise up like men and like women and vote according to our instincts and our American ideals to usher in a new world in which men and women live together in dignity, in freedom, and equality; and that is all we are asking for here.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentlewoman from Illinois [Mrs. CHURCH].

Mrs. CHURCH. Mr. Chairman, when the able chairman of the subcommittee, who has made so valuable a study and produced this bill, spoke about the paragraph known as 27 (c), I heard for the first time the reason for putting that provided exemption from protection of trade-marks into this bill. I believe that the gentleman from Pennsylvania said that it was inserted to be an encouragement to tourist trade. I do not personally feel that any amount of gain that may be made in that direction can be compensated for by the danger to American industry inherent in this provision of the bill.

The trade-mark owners in my 13th District last week brought sharply to my attention the effects of 27 (c) of H. R. 5181, which proposes to eliminate in the Virgin Islands the protection presently afforded by law to legitimate trade-mark owners in preventing the importation of goods bearing their trade-marks.

Mr. SAYLOR. Mr. Chairman, will the gentlewoman yield?

Mrs. CHURCH. I yield.

Mr. SAYLOR. I would like to call the gentlewoman's attention to the fact that the people from her district who called that to her attention made the same mistake that many of the other people who were originally interested in this provision.

Mrs. CHURCH. Will not the gentleman yield the floor back to me?

Mr. SAYLOR. I will yield the gentlewoman more time.

The reason is this: This provision in the bill has nothing to do with American trade-marks, with domestic trade-marks.

Mrs. CHURCH. May I say to the gentleman that those in my district who have contacted me are fully aware that the gentleman does not think that this provision has anything to do with American trade-marks.

It is true that the committee has declared its intention to offer a substitute to the original section 27 (c) which would contain a provision dealing with the word "genuine" in regard to trade-marks. I would like to point out to the gentleman, however, that despite the provisions of his proposed amendment, the proposed law would not be in the public interest nor in the long-range interest even of the Virgin Islands. In the first place unfair practices will ensue; and in the second place there will be deception to the consumers even in the Islands and damage to the reputation of the goods sold in the Virgin Islands. There would undoubtedly be piracy of trade-marks with great damage to legitimate trade-mark owners in the United States. No such exemption from United States law has been sought by or granted to any other United States Territory or insular possession, and special favoritism shown in this instance would naturally lead to similar requests from other Territories and possessions.

As regards the gentleman's—I am sure, well-intentioned—attempt to amend this section so as to attempt to give protection to "genuine trade-marks" as against fraudulent trade-marks in the area, I would say that that phrase would be of difficult application for the very simple reason that goods are so-called, genuine if they are manufactured and trade-marked according to the laws of the country of origin. For example, a razor manufactured in Czechoslovakia could be trade-marked as a Gillette according to the laws of Czechoslovakia and marketed in the Virgin Islands under this law. Gillette could sue for trade-mark infringement, but irrevocable damage would be done to its mark before the suit could be concluded.

I am sure that the gentleman will agree that no American industry should be put to the expense of suing for whatever damage may have accrued.

When I discussed this matter with the committee over the weekend and was assured that the United States Trade-Mark Association had agreed that the exceptions to be suggested by the gentleman in connection with the word "genuine" were satisfactory to that association, I took the occasion again to retrace my steps and go back to that association. I have a telegram which I shall ask permission to insert at the proper time which assures me that while the proposed substitute section 27 (c) to the bill is an improvement, it does not meet the basic objection which can only be accomplished by striking out the subsection:

NEW YORK, N. Y., June 21, 1954.

MARGUERITE CHURCH,

House of Representatives.

While proposed substitute section 27 (c) to H. R. 5181 is an improvement, it does not meet the basic objection which can only be accomplished by striking out the subsection.

UNITED STATES TRADE-MARK ASSOCIATION.

So I am very much hoping that, when the appropriate time comes for me to introduce such an amendment to the committee amendment, the committee itself will agree that owners of American trade-marks should be given this pro-

tection and not be subjected to the risk, trouble, danger, and loss which the bill in its present form, or suggested amended form, provides. I hope indeed that the committee will accept my amendment to strike out the entire 27 (c).

Mr. ENGLE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I take this time to address myself to the subject matter to which the able gentlewoman from Illinois very briefly spoke just a minute ago. That is with reference to this section 27 (c).

After taking the matter up with my distinguished friend from Pennsylvania, I understand that he will have no objection to striking section 27 (c) from the bill, it being understood that we will try in conference, since the Senate bill has language similar to that of section 27 (c), to work out language which will accomplish the objective that the committee has in mind without exposing the producers and the trade-mark owners of genuine goods to imposition of any sort. I understand that the gentlewoman from Illinois has an amendment pending at the desk for the purpose of striking section 27 (c). I am in hopes that we can proceed on that basis, namely, that the committee will accept the amendment and that the language will be stricken, with the understanding that we will try to work out appropriate language in conference.

I would like to go a little further and say that the problem is not quite as simple as it might seem. Apparently it is intended by this language to free those people who want to import into the Virgin Islands from the consent of people who own trade-marks and who dominate the trade names of the world from New York. I am not so sure that can be done in any other manner than that suggested by the committee in its substitute amendment, which will not, as I understand, be presented but which involves language which the gentlewoman from Illinois spoke of; that is, requiring that the goods from other countries come in under a genuine trade-mark of that country. Of course, if Chile wanted to give a trade-mark to Old Crow whiskey, that trade-mark would be genuine as far as Chile is concerned, even though it would be a fraud upon a similar trade-mark in this country. The problem is a very difficult one to handle.

In any case, I think it can be understood that we do want to eliminate this language out for the time being for the purpose of trying to work it out. Certainly that will be done in consultation with those who are interested on the floor.

I direct the committee's attention also to section 34 of this bill. It is necessary, it seems to me, to change the language of that section because that section repeals all of the act of 1936 save and except section 35.

If that occurs, then all the trade-mark protections which exist in the law of 1936 will be swept away, too, and for that reason I have an amendment pending at the desk to take care of that situation, which then goes along with the amendment offered by the gentlewoman from Illinois, and I hope that

will be agreed to also by my friends across the aisle.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. ENGLE. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. I would like to say that I have listened with much interest to the very able presentation by the gentlewoman from Illinois regarding her amendment to strike section 27 (c), and inasmuch as the gentleman from California has just referred to that section, I would like to ask him a question or two about it. As I understand from his remarks, it is now proposed to strike section 27 (c) from this bill.

Mr. ENGLE. An amendment will be offered by the gentlewoman from Illinois, which is now, I believe, at the desk for that purpose.

Mr. DAVIS of Georgia. Did I understand the gentleman to say that that amendment is acceptable to the committee?

Mr. ENGLE. I said that in informal discussions with my friend, the gentleman from Pennsylvania, and the distinguished chairman of our committee, the gentleman from Nebraska, I had the understanding that they would probably accept that amendment.

Mr. DAVIS of Georgia. I would like to say that I am very much interested in this provision, and I support the proposal of the gentlewoman from Illinois and hope that it will be stricken out.

Mr. ENGLE. Mr. Chairman, there are no further requests for time.

Mr. MILLER of Nebraska. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois [Mr. VELDE].

Mr. VELDE. Mr. Chairman, may I say that I also concur with the gentlewoman from Illinois in her amendment to strike section 27 (c) from this bill. I can see great danger in it.

(Mr. VELDE asked and was given permission to revise and extend his remarks.)

Mr. MILLER of Nebraska. Mr. Chairman, there are no further requests for time.

The CHAIRMAN. Under the rule, the Clerk will report the committee substitute as an original bill for the purpose of amendment.

The Clerk read as follows:

That this act may be cited as the "Revised Organic Act of the Virgin Islands."

SEC. 2. (a) The provisions of this act, and the name "Virgin Islands" as used in this act, shall apply to and include the territorial domain, islands, cays, and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. 1706).

(b) The government of the Virgin Islands shall have the powers set forth in this act and shall have the right to sue by such name, and in cases arising out of contract, to be sued: Provided, that no tort action shall be brought against the government of the Virgin Islands or against any office or employee thereof in his official capacity without the consent of the legislature constituted by this act.

The capital and seat of government of the Virgin Islands shall be located at the city of Charlotte Amalie, in the island of St. Thomas.

BILL OF RIGHTS

SEC. 3. No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to any person therein equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to be represented by counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence against himself; nor shall any person sit as judge or magistrate in any case in which he has been engaged as attorney or prosecutor.

All persons shall be ballable by sufficient sureties in the case of criminal offenses, except for first-degree murder or any capital offense when the proof is evident or the presumption great.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned or shall suffer forced labor for debt.

All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

No ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken for public use except upon payment of just compensation ascertained in the manner provided by law.

The right to be secure against unreasonable searches and seizures shall not be violated.

No warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Slavery shall not exist in the Virgin Islands.

Involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted by a court of law, shall not exist in the Virgin Islands.

No law shall be passed abridging the freedom of speech or of the press or the right of the people peaceably to assemble and petition the government for the redress of grievances.

No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and no political or religious test other than an oath to support the Constitution and the laws of the United States applicable to the Virgin Islands, and the laws of the Virgin Islands, shall be required as a qualification to any office or public trust under the government of the Virgin Islands.

No money shall be paid out of the treasury except in accordance with an act of Congress or money bill of the legislature and on warrant drawn by the proper officer.

The contracting of polygamous or plural marriages is prohibited.

The employment of children under the age of 16 years in any occupation injurious to health or morals or hazardous to life or limb is prohibited.

Nothing contained in this act shall be construed to limit the power of the legislature herein provided to enact laws for the protection of life, the public health, or the public safety.

FRANCHISE

SEC. 4. The franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, 21 years of age or over. Additional qualifications may be prescribed by the legislature: *Provided, however,* That no property, language, or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

LEGISLATIVE BRANCH

SEC. 5. (a) The legislative power and authority of the Virgin Islands shall be vested in a legislature, consisting of one house, to be designated the "Legislature of the Virgin Islands," herein referred to as the legislature.

(b) The legislature shall be composed of 11 members to be known as senators. Two senators shall be elected by the qualified electors of the District of St. Thomas; 2 senators shall be elected by the qualified electors of the District of St. Croix; and 1 senator shall be elected by the qualified electors of the District of St. John; which districts are hereby established. The other six senators shall be senators at large and shall be elected by the qualified electors of the Virgin Islands from the Virgin Islands as a whole: *Provided,* That in the election of senators at large, each elector shall be entitled to vote for four candidates, and the candidates receiving the largest number of votes shall be declared elected up to the number to be elected at that election. The order of names upon the ballot shall be determined by lot among the candidates.

SEC. 6. (a) The term of office of each member of the legislature shall be 2 years. The term of office of each member shall commence on the second Monday in January following his election.

(b) No person shall be eligible to be a member of the legislature who is not a citizen of the United States, who has not attained the age of 25 years, who is not a qualified voter in the Virgin Islands, who has not been a bona fide resident of the Virgin Islands for at least 3 years next preceding the date of his election, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights. Federal employees and persons employed in the legislative, executive, or judicial branches of the government of the Virgin Islands shall not be eligible for membership in the legislature.

(c) All officers and employees charged with the duty of directing the administration of the electoral system of the Virgin Islands and its representative districts shall be appointed in such manner as the legislature may by law direct.

(d) No member of the legislature shall be held to answer before any tribunal other than the legislature for any speech or debate in the legislature and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature and in going to and returning from the same.

(e) Each member of the legislature shall be paid the sum of \$600 annually, one-third on the second Monday in January, one-third on the second Monday in February and one-third at the close of the regular session. Each member of the legislature who is away from the island of his residence shall also receive the sum of \$10 per day for each day's attendance while the legislature is actually in session, in lieu of his expenses for subsistence, and shall be reimbursed for his actual travel expenses in going to and re-

turning from each session, or period thereof, for not to exceed a total of eight round trips during any calendar year. The salaries, per diem, and travel allowances of the members of the legislature shall be paid by the Government of the Virgin Islands.

(f) No member of the legislature shall hold or be appointed to any office which has been created by the legislature, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, or during 1 year after the expiration of such term.

(g) The legislature shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpoena to witnesses and other parties concerned, and administer oaths. The rules of the Legislative Assembly of the Virgin Islands existing on the date of approval of this act shall continue in force and effect for sessions of the legislature, except as inconsistent with this act, until altered, amended, or repealed by the legislature.

(h) The judge for the District Court of the Virgin Islands shall fill any vacancy in the office of member of the legislature by appointment from a panel of three names supplied by the legislature. If the vacant office is that of a senator from a district, the person appointed shall be a resident of the district from which the member whose office is vacant was elected. If the vacant office is that of a representative at large, the residence of the person appointed shall not be material. In any case, the person appointed shall serve for the remainder of the unexpired term.

SEC. 7. (a) Regular sessions of the legislature shall be held annually, commencing on the second Monday in January, and shall continue in regular session for not more than 60 consecutive calendar days in any calendar year. The Governor may call special sessions of the legislature at any time when in his opinion the public interests may require it, but no special session shall continue longer than 15 calendar days, and the aggregate of such special sessions during any calendar year shall not exceed 30 calendar days. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session.

(b) Sessions of the legislature shall be held in the capital of the Virgin Islands at Charlotte Amalie, St. Thomas.

SEC. 8. (a) The legislative authority and power of the Virgin Islands shall extend to all subjects of local application not inconsistent with this act or the laws of the United States made applicable to the Virgin Islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty or international agreement entered into by the United States, nor shall the lands or other property of non-residents be taxed at a higher rate than the lands or other property of residents.

(b) The laws of the United States applicable to the Virgin Islands on the date of approval of this act, including laws made applicable to the Virgin Islands by or pursuant to the provisions of the act of June 22, 1936 (49 Stat. 1807), and all local laws and ordinances in force in the Virgin Islands on the date of approval of this act shall, to the extent they are not inconsistent with this act, continue in force and effect until otherwise provided by the Congress: *Provided,* That the legislature shall have power, when within its jurisdiction and not inconsistent with the other provisions of this act, to amend, alter, modify, or repeal any local law or ordinance, public or private, civil or criminal, continued in force and effect by this act, except as herein otherwise provided, and to enact new laws not inconsistent with any law of the

United States applicable to the Virgin Islands, subject to the power of Congress to annul any such act of the legislature.

(c) The President of the United States shall appoint a Commission of 7 persons, at least 3 of whom shall be residents of the Virgin Islands, to survey the field of Federal statutes and to make recommendations to the Congress within 12 months after the date of approval of this act as to which statutes of the United States not applicable to the Virgin Islands on such date should be made applicable to the Virgin Islands, and as to which statutes of the United States applicable to the Virgin Islands on such date should be declared inapplicable. The members of the Commission shall receive no salary for their service on the Commission but under regulations and in amounts prescribed by the Secretary of the Interior, they may be paid, out of Federal funds, reasonable per diem fees, and allowances in lieu of subsistence expenses, for attendance at meetings of the Commission, and for time spent on official business of the Commission, and their necessary travel expenses to and from meetings or when upon such official business, without regard to the Travel Expense Act of 1949.

(d) The Secretary of the Interior shall arrange for the preparation, at Federal expense, of a code of laws of the Virgin Islands, to be entitled the "Virgin Islands Code," which shall be a consolidation, codification, and revision of the local laws and ordinances in force in the Virgin Islands. When prepared, the Governor shall submit it, together with his recommendations, to the legislature for enactment. Upon the enactment of the Virgin Islands Code it and any supplements to it shall be printed, at Federal expense, by the Government Printing Office as a public document.

SEC. 9. (a) The quorum of the legislature shall consist of seven of its members. No bill shall become a law unless it shall have been passed at a meeting at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.

(b) The enacting clause of all acts shall be as follows: "Be it enacted by the Legislature of the Virgin Islands."

(c) The Governor shall submit at the opening of each regular session of the legislature a message on the state of the Virgin Islands and a budget of estimated receipts and expenditures, which shall be the basis of the appropriation bills for the ensuing fiscal year.

(d) Every bill passed by the legislature shall, before it becomes a law, be presented to the Governor. If the Governor approves the bill, he shall sign it. If the Governor disapproves the bill, he shall, except as herein-after provided, return it, with his objections, to the legislature within 10 days (Sundays excepted) after it shall have been presented to him. If the Governor does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within 30 days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature agree to pass the bill, it shall be presented anew to the Governor. If he then approves it, he shall sign it; if not, he shall within 10 days after it has been presented to him transmit it to the President of the United States. If the President approves the bill, he shall sign it. If he disapproves the bill, he shall return it to the Governor, so stating, and it shall not be a law. If the President neither approves nor disapproves

the bill within 90 days from the date on which it is transmitted to him by the Governor, the bill shall be a law in like manner as if the President had signed it. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect.

(e) If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payment of the obligations and necessary current expenses of the government of the Virgin Islands for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item.

(f) The legislature shall keep a journal of its proceedings and publish the same. Every bill passed by the legislature and the yeas and nays on any question shall be entered on the journal.

(g) Copies of all laws enacted by the legislature shall be transmitted within 15 days of their enactment by the Governor to the Secretary of the Interior and by him annually to the Congress of the United States.

SEC. 10. The next general election in the Virgin Islands shall be held on November 2, 1954. At such time there shall be chosen the entire membership of the legislature as herein provided. Thereafter the general elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1956, and every 2 years thereafter. The Municipal Council of St. Thomas and St. John, and the Municipal Council of St. Croix, existing on the date of approval of this act, shall continue to function until January 10, 1955, at which time all of the functions, property, personnel, records, and unexpended balances of appropriations of the governments of said municipalities shall be transferred to the government of the Virgin Islands.

EXECUTIVE BRANCH

SEC. 11. The executive power of the Virgin Islands shall be vested in an executive officer whose official title shall be the "Governor of the Virgin Islands", and shall be exercised under the supervision of the Secretary of the Interior. The Governor of the Virgin Islands shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President and until his successor is chosen and qualified. The Governor shall reside in St. Thomas during his official incumbency. He shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and may grant respites for all offenses against the laws of the United States applicable in the Virgin Islands until the decision of the President can be ascertained. He may veto any legislation as provided in this act. He shall appoint all officers and employees of the executive branch of the government of the Virgin Islands, except as otherwise provided in this or any other act of Congress, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Virgin Islands and the laws of the United States applicable in the Virgin Islands. Whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United

States in the islands, or summon the posse comitatus, or call out the militia, to prevent or suppress violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the islands, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon made known. He shall annually, and at such other times as the President or the Congress may require, make official report of the transactions of the government of the Virgin Islands to the Secretary of the Interior, and his said annual report shall be transmitted to the Congress. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President, or by the Secretary of the Interior. He shall have the power to issue executive regulations not in conflict with any applicable law. He may attend or may designate another person to represent him at the meetings of the legislature, may give expression to his views on any matter before that body, and may recommend bills to the legislature.

SEC. 12. The President shall appoint a government secretary for the Virgin Islands, who shall reside in St. Croix during his official incumbency. He shall have custody of the seal of the Virgin Islands and shall countersign and affix such seal to all executive proclamations and all other executive documents. He shall record and preserve the laws enacted by the legislature. He shall promulgate all proclamations and orders of the Governor and all laws enacted by the legislature. He shall have such executive powers and perform such other duties as may be assigned to him by the Governor. He shall also serve as the Administrator for St. Croix, without additional compensation, and in that capacity shall act for the Governor in the administration of the affairs of St. Croix.

SEC. 13. In case of a vacancy in the office of Governor or the disability or temporary absence of the Governor, the government secretary shall have all the powers of the Governor.

SEC. 14. The Secretary of the Interior may from time to time designate the head of an executive department of the government of the Virgin Islands to act as Governor in the case of a vacancy in the offices, or the disability or temporary absence, of both the Governor and the government secretary, and the person so designated shall have all the powers of the Governor for so long as such condition continues.

SEC. 15. (a) The Governor shall, within 1 year after the date of approval of this act, reorganize and consolidate the existing executive departments, bureaus, independent boards, agencies, authorities, commissions, and other instrumentalities of the government of the Virgin Islands or of the municipal governments, except for independent bodies whose existence may be required by Federal law for participation in Federal programs, into the following executive departments: a department of finance, the head of which shall be designated as the treasurer; a department of public works, the head of which shall be designated as the commissioner of public works; a department of education, the head of which shall be designated as the commissioner of education; a department of commerce and industry, the head of which shall be designated as the commissioner of commerce and industry; a department of health and welfare, the head of which shall be designated as the commissioner of health and welfare; and a department of agriculture and labor, the head of which shall be designated as the commissioner of agriculture and labor. No other department, bureau, independent board, agency, authority, commission, or

other instrumentality shall be created, organized, or established by the Governor or the legislature, without the prior approval of the Secretary of the Interior, unless required by Federal law for participation in Federal programs.

(b) The Governor shall, from time to time, examine the organization of the executive branch of the government of the Virgin Islands, and shall make such changes therein, not inconsistent with this act, as he determines are necessary to promote effective management and to execute faithfully the purposes of this act and the laws of the Virgin Islands.

(c) The heads of the executive departments created by this act shall be appointed by the Governor, with the advice and consent of the legislature. Each shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is appointed and qualified, unless sooner removed by the Governor. Each shall have such powers and duties as may be prescribed by the legislature.

Sec. 16. (a) The Secretary of the Interior shall appoint a government comptroller who shall be nominated by the Comptroller General of the United States and who shall receive a salary of \$12,500 per annum. The government comptroller shall hold office for a term of 10 years and until his successor is appointed and qualified, unless sooner removed by the President for cause. The government comptroller shall not be eligible for reappointment.

(b) The government comptroller shall establish and maintain appropriate general accounts for revenues and receipts accrued, and collected or abated, for the bonded indebtedness of the Virgin Islands, for the cash with accountable officers and for appropriations and property of the government of the Virgin Islands and accounts pertaining to the funds and property held in trust by the government or any of its branches.

(c) The jurisdiction of the government comptroller over the accounts whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive.

(d) He shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the methods of accounting for public funds and property, and funds and property held in trust by the government or any of its branches.

(e) The government comptroller shall examine, adjust, decide, audit, and settle all accounts and claims pertaining to the revenues and receipts from whatever source of the government of the Virgin Islands and of funds derived from bond issues; and he shall examine, audit, and settle, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands including those pertaining to trust funds held by the government of the Virgin Islands.

(f) It shall be the duty of the government comptroller to bring to the attention of the proper administrative officer failures to collect amounts due the government, and expenditures of funds or property which in his opinion are extravagant, excessive, unnecessary, or irregular.

(g) It shall be the duty of the government comptroller to certify to the Secretary of the Interior the net amount of government revenues which form the basis for Federal grants for the civil government of the Virgin Islands.

(h) The decisions of the government comptroller shall be final except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within 1 year from the date of the decision, to the Governor, which appeal shall be in writing and shall specifically set forth the particular action of the govern-

ment comptroller to which exception is taken with the reasons and the authorities relied upon for reversing such decision.

(i) If the Governor confirms the decision of the government comptroller, then relief may be sought by appeal to the legislature or to the District Court of the Virgin Islands.

(j) The government comptroller shall, except as may be otherwise provided, have like authority as that conferred by law on the Comptroller General of the United States, and is authorized to communicate directly with any person having claims before him for settlement, or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

(k) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of the Virgin Islands an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government, classified according to municipalities.

(l) The government comptroller shall make such other reports as may be required by the Governor of the Virgin Islands, the Comptroller General of the United States, or the Secretary of the Interior.

(m) The office of the government comptroller shall be under the general supervision of the Governor, but shall not be a part of any executive department in the government of the Virgin Islands.

SYSTEM OF ACCOUNTS

Sec. 17. The system of accounts for the government of the Virgin Islands shall be prescribed by the Comptroller General of the United States.

Sec. 18. The fiscal transactions and accounts of the government of the Virgin Islands, including special and trust funds administered by the government of the Virgin Islands shall be subject to review annually by the Comptroller General of the United States, and report thereon shall be made by him to the Governor, the Secretary of the Interior, and to the Congress.

Sec. 19. (a) The Governor shall receive an annual salary at the rate provided for Governors of Territories and possessions in the Executive Pay Act of 1949.

(b) The government secretary, the heads of the executive departments, and the members of the immediate staffs of the Governor and the government secretary shall receive annual salaries at rates established by the Secretary of the Interior in accordance with the standards provided in the Classification Act of 1949.

(c) The salaries of the Governor, the government secretary, and the members of their immediate staffs shall be paid by the United States. The salaries of the government comptroller and the heads of the executive departments shall be paid by the government of the Virgin Islands; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor.

JUDICIAL BRANCH

Sec. 20. The judicial power of the Virgin Islands shall be vested in a court of record to be designated the "District Court of the Virgin Islands", and in such a court or courts of inferior jurisdiction as may have been or may hereafter be established by local law.

Sec. 21. The District Court of the Virgin Islands shall have the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties and laws of the United States. It shall have general original jurisdiction in all civil actions arising under the local law in force in the Virgin Islands wherein the matter in

controversy exceeds the sum of value of \$500, exclusive of interest and costs. It shall have general original jurisdiction in all criminal cases involving offenses against the local law in force in the Virgin Islands where the minimum punishment which may be imposed exceeds a fine of \$100 or imprisonment for 6 months or both. The district court shall also have appellate jurisdiction to review the judgments and orders of the inferior courts of the Virgin Islands to the extent now or hereafter prescribed by local law.

Sec. 22. The inferior courts now or hereafter established by local law shall have jurisdiction of all civil actions wherein the matter in controversy does not exceed the sum or value of \$500, exclusive of interest and costs, all criminal cases wherein the maximum punishment which may be imposed does not exceed a fine of \$100 or imprisonment for 6 months, or both, all violations of police and executive regulations, and all actions, civil or criminal, jurisdiction of which may hereafter be conferred upon them by local law. The inferior courts shall hold preliminary investigations in charges of felony and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction granted to the inferior courts by this section, and shall commit offenders to district court and grant bail in bailable cases. The rules governing the inferior courts and prescribing the duties of the judges and officers thereof, oaths and bonds, the times and places of holding court, and the procedure for appeals to the district court shall be as may hereafter be established by the district court. The rules governing disposition of fines, costs and forfeitures, enforcement of judgments, and disposition and treatment of prisoners shall be as established by law or ordinance in force on the date of approval of this act or as may hereafter be so established.

Sec. 23. The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of the Virgin Islands, who shall hold office for the term of 8 years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The salary of the judge of the district court shall be at the rate prescribed for judges of the United States district courts. The Chief Justice of the United States may assign any United States circuit or district judge, with his consent, to serve as a judge in the District Court of the Virgin Islands whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the court. The provisions of chapter 49 of title 28, United States Code, shall apply to the District Court of the Virgin Islands. The compensation of the judge of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States. The Attorney General shall, as heretofore, appoint a marshal for the Virgin Islands to whose office the provisions of chapter 33 of title 28, United States Code, shall apply.

Sec. 24. The Virgin Islands shall consist of 2 judicial divisions, one constituted by the island of St. Croix, and 1 constituted by the islands of St. Thomas and St. John. The district court shall hold sessions in each division at such time as the court may designate by rule or order, at least once in 3 months in each division. The practice and procedure in the district court shall be as prescribed by rules and orders of the court. The process of the district court shall run throughout the Virgin Islands.

Sec. 25. In any criminal case originating in the district court, no person shall be denied the right to trial by jury on the demand of either party. If no jury is demanded the case shall be tried by the judge of the district court without a jury, except that the judge may, on his own motion, order a jury for the

trial of any criminal action. The legislature may provide for trial in misdemeanor cases by a jury of six qualified persons.

SEC. 26. The President shall, by and with the advice and consent of the Senate, appoint a district attorney for the Virgin Islands, who shall hold office for the term of four years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The district attorney shall conduct all legal proceedings, civil and criminal, to which the Government of the United States is a party in the District Court of the Virgin Islands and in the inferior courts of the Virgin Islands, and to which the government of the Virgin Islands is a party in the District Court of the Virgin Islands. Offenses against the laws of the Virgin Islands shall be prosecuted in the name of the people of the Virgin Islands. He shall also serve as legal adviser to the Governor. The district attorney shall perform his duties under the supervision and direction of the Attorney General of the United States. The Attorney General shall appoint one assistant district attorney who shall conduct all proceedings, civil and criminal, to which the government of the Virgin Islands is a party in the inferior courts of the Virgin Islands. The Attorney General may authorize the employment of necessary clerical assistants. The compensation of the district attorney and his assistant and employees shall be fixed by the Attorney General and their salaries and the other necessary expenses of the office shall be paid from appropriations made to the Department of Justice. In the case of a vacancy in the office of the district attorney, the District Court of the Virgin Islands may appoint a district attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.

FISCAL PROVISIONS

SEC. 27. (a) The proceeds of customs duties, the proceeds of the United States income tax, the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and the proceeds of all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands, less the cost of collecting all of said duties, taxes, and fees, shall be covered into the treasury of the Virgin Islands, and shall be available for expenditure as the Legislature of the Virgin Islands may provided: *Provided*, That the term "inhabitants of the Virgin Islands" as used in this section shall include all persons whose permanent residence is in the Virgin Islands, and such persons shall satisfy their income tax obligation under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands: *Provided further*, That nothing in this act shall be construed to apply to any tax specified in section 3811 of the Internal Revenue Code.

(b) Subchapter B of chapter 28 of the Internal Revenue Code is amended by adding to section 3350 thereof the following subsection:

"(c) Disposition of Internal Revenue collections: Beginning with the fiscal year ending June 30, 1954, and annually thereafter, the Secretary of the Treasury shall determine the amount of all taxes imposed by, and collected during the fiscal year under, the internal revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States. The amount so determined less 1 percent and less the estimated amount of refunds or credits shall be subject to disposition as follows:

"(i) There shall be transferred and paid over to the government of the Virgin Islands from the amounts so determined a sum equal to the total amount of the revenue collected by the government of the Virgin Islands dur-

ing the fiscal year, as certified by the treasurer of the Virgin Islands. The moneys so transferred and paid over shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as the legislature may determine: *Provided*, That the approval of the President or his designated representative shall be obtained before such moneys may be obligated or expended.

"(ii) There shall also be transferred and paid over to the Government of the Virgin Islands during each of the fiscal years ending June 30, 1955, and June 30, 1956, the sum of \$1 million, or the balance of the internal revenue collections available under this subsection (c) after payments are made under the preceding paragraph (i), whichever amount is greater. The moneys so transferred and paid over shall be deposited in the separate fund established by the preceding paragraph (i) but shall be obligated or expended for emergency purposes and essential public projects only, with the prior approval of the President or his designated representative.

"(iii) Any amounts remaining shall be deposited in the Treasury of the United States as miscellaneous receipts.

"If at the end of any fiscal year the total of the Federal contribution made under (i) above at the beginning of that fiscal year has not been obligated or expended for an approved purpose, the balance shall continue available for expenditure during any succeeding fiscal year, but only for approved emergency relief purposes and essential public projects as provided in (ii) above. The aggregate amount of moneys available for expenditure for emergency relief purposes and essential public projects only, including payments under (ii) above, shall not exceed the sum of \$5 million at the end of any fiscal year. Any unobligated or unexpended balance of the Federal contribution remaining at the end of a fiscal year which would cause the moneys available for emergency relief purposes and essential public projects only to exceed the sum of \$5 million shall thereupon be transferred and paid over to the Treasury of the United States as miscellaneous receipts."

(c) Notwithstanding any other provision of law, section 526 of the Tariff Act of 1930 (46 Stat. 741; 19 U. S. C., 1946 edition, sec. 1526), and section 42 of the Trade Mark Act of 1946 (60 Stat. 440; 15 U. S. C., 1946 edition, sec. 1124), shall not apply to the Virgin Islands.

(d) There shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the Virgin Islands the rates of duty and internal revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of, or manufactured in, such islands, from materials grown or produced in such islands or in the United States, or both, or which do not contain foreign materials to the value of more than 50 percent of their total value, upon which no drawback of custom duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. In determining whether such a Virgin Islands article contains foreign material to the value of more than 50 percent, no material shall be considered foreign which, at the time the Virgin Islands article is entered, or withdrawn from warehouse for consumption, may be imported into the continental United States free of duty generally.

MISCELLANEOUS PROVISIONS

SEC. 28. All officials of the government of the Virgin Islands shall be citizens of the United States. Every member of the Legislature of the Virgin Islands and all officers and employees of the government of the Virgin Islands shall before entering upon

the duties of their respective offices, or, in the case of persons in the employ of the government of the Virgin Islands on the effective date of this act, then within 60 days of the effective date thereof, make a written statement in the following form:

"I, -----, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution and laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands, and that I will discharge the duties of ----- with fidelity.

"And I do further swear (or affirm) that I do not advocate, nor am I knowingly a member of any organization that advocates, the overthrow of the Government of the United States or of the Virgin Islands by force or violence or other unconstitutional means, or seeking by force or violence to deny other persons their rights under the Constitution and laws of the United States applicable to the Virgin Islands or the laws of the Virgin Islands.

"And I do further swear (or affirm) that I will not so advocate nor will I knowingly become a member of such organization during the period that I am an employee of the Virgin Islands."

SEC. 29. All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is hereby authorized to place all matters pertaining to the government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to the judicial branch of said government which on the date of approval of this act are under the supervision of the Director of the Administrative Office of the United States Courts.

SEC. 30. (a) The Secretary of the Interior shall be authorized to lease or to sell upon such terms as he may deem advantageous to the Government of the United States any property of the United States under his administrative supervision in the Virgin Islands not needed for public purposes.

(b) The government of the Virgin Islands shall continue to have control over all public property that is under its control on the date of approval of this act.

SEC. 31. Section 6 of the act of August 30, 1890 (26 Stat. 414, 416), as amended (21 U. S. C., 1946 edition, sec. 104), is further amended by inserting the words "and the admission into the Virgin Islands" immediately following the word "Texas", so that such section will read as follows:

"The importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within 60 days next before their exportation, is prohibited: *Provided*, That the Secretary of Agriculture, within his discretion and under such regulations as he may prescribe, is authorized to permit the admission from Mexico into the State of Texas and the admission into the Virgin Islands of cattle which have been infested with or exposed to ticks upon being freed therefrom. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding 3 years, and any vessel or vehicle used in such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States."

SEC. 32. Section 2 of the act of February 2, 1903 (32 Stat. 791, 792), as amended (21 U. S. C., 1946 edition, sec. 111), is hereby further amended by striking out the period and adding at the end thereof the following: "*Provided*, That no such regulations or measures shall pertain to the introduction of

live poultry into the Virgin Islands of the United States."

SEC. 33. This act shall take effect upon its approval, but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the incumbents of all offices under the government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority. The enactment of this act shall not affect the term of office of the judge of the District Court of the Virgin Islands in office on the date of its enactment.

SEC. 34. Except to the extent necessary to implement the provisions of section 35, the act of June 22, 1936 (49 Stat. 1807), and any other provisions of law inconsistent with this act are hereby repealed.

Mr. SAYLOR (interrupting the reading of the substitute). Mr. Chairman, I ask unanimous consent that the bill be considered as read, and printed in the RECORD at this point, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR:

On page 57, line 22 in section 24, after the word "division," strike the sentence: "The practice and procedure in the district court shall be as prescribed by rules and orders of the court," and insert in lieu thereof the following: "The rules of practice and procedure heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of title 28, United States Code, in civil cases, section 2073 of title 28, United States Code, in admiralty cases, and section 30 of the Bankruptcy Act in bankruptcy cases, shall apply to the district court of the Virgin Islands and to appeals therefrom. All offenses shall continue to be prosecuted in the district court by information as heretofore except such as may be required by local law to be prosecuted by indictment by a grand jury."

Mr. SAYLOR. Mr. Chairman, this amendment, while sounding very complicated, is recommended by Judge Maris, whom I referred to earlier, as a result of several cases which have gone to the appellate courts of the United States from the Territory of Guam. These are clarifying amendments to make sure that there will be no general jail delivery of any individuals in the islands.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR:

"Section 34, page 66, line 19, delete entire section and substitute in lieu thereof: 'Except to the extent necessary to implement the provisions of section 31 hereof and except with reference to the authority of the Secretary of the Treasury under section 36 of the act of June 22, 1936 (49 Stat. 1807), said act and other provisions of law inconsistent with this act are hereby repealed.'"

Mr. SAYLOR. Mr. Chairman, this is an amendment which has been recommended by the Treasury Department as a clarifying amendment. I urge its adoption.

Mr. ENGLE. Mr. Chairman, I support the amendment offered by the gentleman from Pennsylvania. Section 34 needs to be amended because it is the provision of the bill that repeals all provisions of the Organic Act of the Virgin Islands except one section which deals with the collection of taxes and duties. Included in the Organic Act, and as a part of that act thus repealed, is a provision that the laws of the United States relating to patents and trade-marks shall have the same force and effect in the Virgin Islands as in the continental United States. Consequently, even though section 27 (c) is eliminated, the effect of section 34 is exactly the same, namely, repeal the laws of the United States relating to trade-marks in the Virgin Islands. Therefore, section 34 will have to be amended as is proposed by Mr. SAYLOR's amendment to keep the trade-mark laws applicable to the Virgin Islands.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SAYLOR].

The amendment was agreed to.

Mrs. CHURCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 62, line 11: Strike out lines 11 through 15.

Mr. MILLER of Nebraska. Mr. Chairman, after consultation with the ranking minority member, we have agreed to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mrs. CHURCH].

The amendment was agreed to.

Mrs. CHURCH. Mr. Chairman, since my amendment has just been agreed to, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CHURCH: Page 62, line 16, strike out "(d)" and insert in lieu thereof "(c)."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. POWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POWELL: Page 49, line 5, after the word "act," insert "subject to the approval of the legislature."

Page 50, line 4, after the words "from time to time," insert "subject to the approval of the legislature."

Mr. POWELL. Mr. Chairman, this follows up my previous remarks and this is the amendment to which I referred; that is, in the reorganization of the Government, the Governor shall act together with the legislature in reorganizing.

Mr. MILLER of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. POWELL. I yield.

Mr. MILLER of Nebraska. The gentleman's amendment just goes to the Reorganization Act?

Mr. POWELL. That is right.

Mr. MILLER of Nebraska. I raise the question because under the present situation in the islands the legislature appointed a great many boards and commissions, I believe about 26 in number, the members of which draw \$3 to \$5 or \$7 a day plus expenses. They still have price control in some form in operation and rent control, because members of the legislature serving on these boards keep in session most of the time, on these 26 boards. I hope the gentleman's amendment will not hamstring the governor in getting rid of some of these boards and that the legislature will not be able to set them up without the governor having the right to veto. May I ask whether it is the gentleman's thought that his amendment would prevent the Governor from vetoing continuing these 26 different commissions and boards that they have set up since 1950 in order to keep themselves perpetually in session on some board like that?

Mr. POWELL. I have not offered any amendment, and if this one is adopted I do not intend to offer any, in connection with the Governor's veto power. But if the amendment is not agreed to, I shall offer other amendments.

Mr. MILLER of Nebraska. I think this is an amendment which the gentleman discussed with the leadership. Is it not?

Mr. POWELL. That is right.

Mr. MILLER of Nebraska. And we had decided that perhaps this might be worked out in conference and that then the other 6 or 7 the gentleman had in mind would not be offered; is that correct?

Mr. POWELL. That is correct.

Mr. MILLER of Nebraska. In the event this amendment is agreed to, with that understanding that we might look it over very carefully and in conference decide which way to go, I hope that the amendment will not hamstring the new governor or any governor so that he will not be able to get out of the mess of legislative problems that he is working in at the present time.

Mr. JAVITS. Mr. Chairman, will the gentleman yield?

Mr. POWELL. I yield to the gentleman from New York.

Mr. JAVITS. I am very glad to see the Committee look with sympathy on the gentleman's amendment. I think that real deference has to be given to this very strong body of opinion in our country which feels the way the gentleman expresses and which has manifested the same views to me. I think the Committee is being very wise in giving some consideration to that point of view.

I think the gentleman and I and many others have the greatest confidence in Governor Alexander, who has a fine reputation in our country and who we know will do a fine job in the Virgin Islands. However, he has to work under an organic law which has to be just.

Mr. POWELL. That is right.

Mr. JAVITS. That is what I believe the gentleman is trying to do, to make

his contribution to see that the law is just to all concerned.

Mr. POWELL. That is what I am trying to do.

I thank the Committee for cooperating in this matter.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. ENGLE. Mr. Chairman, I ask unanimous consent to extend my remarks at that point in the RECORD immediately following the last amendment offered by the gentleman from Pennsylvania [Mr. SAYLOR].

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The question is on the committee substitute, as amended, for the bill.

The committee substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ALLEN of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 5181) to revise the Organic Act of the Virgin Islands of the United States, pursuant to House Resolution 584, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

Mr. MILLER of Nebraska. Mr. Speaker, the other body has passed a similar bill, S. 3378, to revise the Organic Act of the Virgin Islands of the United States. I ask unanimous consent for the immediate consideration of that bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MILLER of Nebraska. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Nebraska: Strike out all after the enacting clause of the bill S. 3378 and insert in lieu thereof the provisions of the bill H. R. 5181 as passed.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The proceedings by which the bill H. R. 5181 was passed were vacated, and that bill was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the preceding bill.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

PROPOSED PUBLIC WORKS BILL TO HELP MAJOR INDUSTRIAL AREAS IN THE UNITED STATES

(Mr. VAN ZANDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN ZANDT. Mr. Speaker, this date I have introduced H. R. 9633, a bill to provide for programs of public facilities construction which will stimulate employment in areas having a substantial surplus of labor, and for other purposes.

Before explaining the provisions of the bill, I would like to state that this is not just another public works bill. It is designed to provide permanent capital improvements of a nature which will strengthen our national economy and increase the well-being of our citizens in those areas of the United States that have been classified by the United States Department of Labor as being surplus labor areas because of substantial unemployment. In other words, the areas that will benefit from my bill are those that are classified in group 4 (A) and 4 (B).

During the winters of 1951 and 1952 the Government adopted a policy of showing little concern of the number of people unemployed unless it was in excess of 5 million. At that time the top employment figure was 57 million with 4,700,000 unemployed; while the ratio of unemployment to employment was 8.2 percent.

As of April 1954, the civilian labor force of the country was in excess of 64 million with nearly 3½ million unemployed, the ratio of unemployment to employment being 5.4 percent.

It is significant to state that while the ratio of unemployment to employment is nearly 3 percent less than in the winters of 1951 and 1952, the unemployment today in certain areas of the United States is far more acute.

To illustrate the acute unemployment problem that exists today in certain areas of the United States, the Bureau of Employment Security of the United States Department of Labor recently made public information to the effect that 123 areas of the United States have unemployment in excess of 6 percent of their employable labor force.

In addition it was revealed that of the 149 major industrial areas in the United States, 51 of them are now classified by the United States Department of Labor as being in group 4 (A) and 4 (B) because of substantial labor surplus. Of this group of 51 areas, 38 of them have 12 percent or more of their labor force unemployed.

Many of these areas with substantial labor surplus are located in the bitu-

minous and anthracite coalfields of the Nation. Like other areas, their basic economy has been impaired because of an ailing industry. In an effort to bolster the economy of these areas, industrial and community groups were organized and are working zealously to revitalize the economy of their areas by attracting new industries and expanding the facilities of existing plants.

This effort to rehabilitate these surplus labor areas presents a huge problem that is difficult to solve and it is evident that the community and industrial groups cannot be expected to do the job alone.

Mr. Speaker, in the past the Federal Government has assisted many stricken areas of the Nation when disaster befell them such as droughts, tornadoes, dust storms, floods, heavy snows, and so forth. Now an economic disaster has struck 51 of the Nation's major industrial areas and for that reason it is time for the Federal Government to lend a helping hand.

Undoubtedly some may think that the offer to assist in the procurement of Government contracts will solve this perplexing problem. As many of you know from your own experience, such a program is in the majority of cases of negligible value in solving the problem. It is for that reason that I feel that my bill is one of merit and represents a sound approach to an acute economic situation that demands immediate attention.

Mr. Speaker, H. R. 9633 establishes in the Executive Branch of the Government a Public Facilities Construction Administration that through a Commissioner appointed by the President will develop a program of useful public facilities providing capital improvements for areas affected by substantial unemployment.

The Public Facilities Construction Administration will be empowered to negotiate with the various political subdivisions of the surplus labor areas either on a direct Federal or joint assistance program toward the construction of such projects as bridges, dams, reservoirs, flood-control works, sewage disposal plants, water purification facilities, post offices, schools, hospitals, and other buildings of general use to the public.

In addition, the program will include works of reclamation, facilities for research into new and improved uses for agricultural and industrial products and by-products, and other works of public construction of aid to the well-being of our citizens.

Mr. Speaker, this is not a WPA program in the accepted sense of the word, but is in fact a program of useful public works. Such a program will make a marked contribution toward the rehabilitation of the economy of stricken areas where today, good American citizens are forced to depend upon unemployment insurance, surplus commodities, and public assistance to provide them with the bare necessities of life.

In asking for immediate consideration of H. R. 9633, I wish to point out that as a Nation we have sent billions of dollars overseas in answer to the pleas of foreign countries for assistance in developing and restoring their national economy.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued June 25, 1954
For actions of June 24, 1954
83rd-2nd, No. 117

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HIGHLIGHTS: Rep. Hope introduced farm program bill. Committee was authorized to report it during House recess. Senate committee voted to continue rigid price supports and took other actions on farm program bill. Senate passed bill to continue trade agreements program 1 year. Rejected Mundt amendment to strengthen Sec. 22 on farm imports. Sen. Bowring spoke favoring flexible price supports. Senate committee voted to report bill to regulate pesticide chemicals. Sen. Douglas defended NRECA regarding amendment to increase REA appropriations. Both Houses received buildings lease-purchase bill. House passed measure continuing farm housing program 1 month. House committee was authorized to report foreign aid bill during House recess. Committee voted to report this bill, and it was cleared by Rules Committee. Rep. Chipfield introduced this bill.

SENATE

1. FARM PROGRAM. The "Daily Digest" states: "Committee on Agriculture and Forestry ...continued its executive consideration of S. 3052,... following which it announced the following actions: (1) By a vote of 8 to 7, agreed to extend mandatory 90 percent of parity price supports for the basic crops for 1 more year; (2) Agreed to retain mandatory price supports for tung nuts and honey between 60 and 90 percent of parity; and (3) Agreed to introduce a separate bill to extend the authority of the Secretary of Agriculture to make agricultural conservation payments on a national basis. The committee defeated, by a vote of 9 nays to 6 yeas, a motion to extend mandatory 90 percent of parity price supports for the basic crops for 2 years." (pp. D731-2.)
2. TRADE AGREEMENTS. Passed, 71 to 3, with amendment H. R. 9474, to continue for 1 year (until June 12, 1955) the President's authority to enter into reciprocal trade agreements (pp. 8345-78, 8381-416). Agreed to an amendment by Sen. Johnson, Colo. (for Sen. Symington) to prohibit action under this authority which would decrease the duty on any article by an amount that would threaten supplies to meet national defense needs (pp. 8415-6). Rejected the following amendments:
By Sen. Mundt, providing that if the Tariff Commission finds that imports of any commodity will materially hamper the price-support program, the President shall impose up to 50% fees on such articles; by a 23-52 vote (pp.

8408-13).

By Sen. Malone, to establish a Strategic and Critical Minerals and Materials Authority (pp. 8413-15).

During debate on the bill, Sen. Malone stated that farmers have what amounts to a protective tariff through price supports (pp. 8376-7).

3. PRICE SUPPORTS. Sen. Bowring spoke in favor of the Administration's recommendations for flexible price supports (pp. 8378-80).
4. REA APPROPRIATIONS. Sen. Douglas explained the development of his amendment to increase the REA item in the agricultural appropriation bill by \$35 million and defended the activities of NRECA in this regard (pp. 8417-19).
5. PESTICIDE CHEMICALS. The Labor and Public Welfare Committee voted to report (but did not actually report) with amendment H. R. 7125, to amend the Federal Food, Drug, and Cosmetic Act with respect to residues of pesticide chemicals in or on raw agricultural commodities (p. D732).
6. BUILDINGS. Both Houses received the conference report on H. R. 6342, to authorize GSA to acquire real property and to provide for construction of public buildings thereon by executing purchase contracts (pp. 8419-21, 8427-9).
7. VIRGIN ISLANDS. Senate conferees were appointed on S. 3378, to revise the Virgin Islands organic act, with a provision regarding importation of diseased animals (pp. 8335-40). House conferees have not yet been appointed.
8. NOMINATION of Lewis G. Castle, to be Administrator of the St. Lawrence Seaway Development Corporation, was received (pp. 8335, 8426).
9. LEGISLATIVE PROGRAM. The Labor-HEW appropriation bill was made the unfinished business. Sen. Knowland indicated that the Indian extension work bill would be considered today, the calendar of bills would be read Sat., and debate on the tax bill would begin Mon. (pp. 8416-7).

HOUSE

10. FARM PROGRAM. The House Agriculture Committee considered further the diverted acres question in connection with the farm program bill. The Committee was authorized to report the bill, H. R. 9680, during the House recess (until midnight June 26). It is expected that the bill will be reported today. (pp. 8435, D733.)
11. FOREIGN AID. The Foreign Affairs Committee ordered reported (but did not actually report) H. R. 9678, the Mutual Security Act of 1954. The Committee was given permission to have until midnight tonight, June 25, to file its report and the Rules Committee granted a rule providing for general debate on, and waiving points of order against, this bill. (pp. D734-5.)
12. DEFENSE APPROPRIATION BILL, 1955. Agreed to the conference report on this bill H. R. 8873 (pp. 8430-1). The Senate has not yet acted upon the report.
13. HOUSING LOANS. Passed without amendment S. J. Res. 167, to continue various housing laws for July 1954 pending enactment of the regular housing bill (p. 8435). This measure authorizes \$8,500,000 additional for loans under the farm housing program administered by this Department, plus additional amounts for contribution under the program. This bill will now be sent to the President.

thereunder, preserve the insurance rights of disabled individuals, and increase the amount of earnings permitted without loss of benefits, and for other purposes. He had prepared an amendment, which has been handed to me. I desire to submit the amendment, so that it may be printed and referred to the Committee on Finance, which is now giving study to the bill.

The PRESIDENT pro tempore. The amendment will be received and printed, and will be referred to the Committee on Finance.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles, and referred, as indicated:

H. R. 4854. An act to authorize the Secretary of the Interior to construct, operate, and maintain the irrigation works comprising the Foster Creek division of the Chief Joseph Dam project, Washington; to the Committee on Interior and Insular Affairs.

H. R. 9315. An act to provide for an extension on a reciprocal basis of the period of the free entry of Philippine articles in the United States; to the Committee on Finance.

H. R. 9505. An act to continue the effectiveness of the act of December 2, 1942, as amended, and the act of July 28, 1945, as amended, relating to war-risk hazard and detention benefits until July 1, 1955; to the Committee on the Judiciary.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, withdrawing the nomination of Elmer S. Ninesling, to be postmaster at Great Neck, N. Y., which nominating messages were referred to the appropriate committees.

(For nominations this day received see the end of Senate proceedings.)

NOTICE OF CONSIDERATION OF NOMINATION OF SHELDON T. MILLS, TO BE AMBASSADOR TO REPUBLIC OF ECUADOR

Mr. WILEY. Mr. President, the Senate received today the nomination of Sheldon T. Mills, of Oregon, a Foreign Service officer of class 1, to be Ambassador of the United States of America to the Republic of Ecuador. Notice is hereby given that the nomination will be considered by the Committee on Foreign Relations at the expiration of 6 days in accordance with the committee rule.

NOTICE OF CONSIDERATION OF NOMINATION OF LEWIS G. CASTLE TO BE ADMINISTRATOR OF ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Mr. WILEY. Mr. President, the Senate received today the nomination of Lewis G. Castle, of Minnesota, to be Administrator of the St. Lawrence Seaway Development Corporation. Notice is given that the nomination will be con-

sidered by the Committee on Foreign Relations at the expiration of 6 days, in accordance with the committee rule.

NOTICE OF CHANGE OF TIME OF HEARING ON S. 1752 TO ESTABLISH GOOD FAITH AS A DEFENSE IN CERTAIN CASES

Mr. LANGER. Mr. President, on behalf of a subcommittee of the Committee on the Judiciary, I desire to give notice that the hour for the public hearing scheduled for Thursday, July 1, 1954, in room 424, Senate Office Building, on S. 1752, a bill to establish good faith as a defense in certain cases, has been changed from 10 a. m. to 9:30 a. m. At the indicated time and place all persons interested in the proposed legislation may make such representations as may be pertinent. The subcommittee consists of myself, chairman.

NOTICE OF RESCHEDULING OF HEARING ON H. R. 2237, TO INCREASE CRIMINAL PENALTIES UNDER THE SHERMAN ANTI-TRUST ACT

Mr. LANGER. Mr. President, on behalf of the standing Subcommittee on Antitrust and Monopoly Legislation of the Committee on the Judiciary, I desire to give notice that the public hearing originally scheduled for Friday, July 2, 1954, at 10 a. m., on H. R. 2237, a bill to increase criminal penalties under the Sherman Antitrust Act, has been rescheduled to Wednesday, July 7, 1954, at 10 a. m., in room 424, Senate Office Building. At the indicated time and place all persons interested in the proposed legislation may make such representations as may be pertinent. The subcommittee consists of myself, chairman, the Senator from New Jersey [Mr. HENDRICKSON], the Senator from Illinois [Mr. DIRKSEN], the Senator from West Virginia [Mr. KILGORE], and the Senator from Tennessee [Mr. KEFAUVER].

ADMINISTRATION OF ALIEN PROPERTY—NOTICE OF HEARINGS

Mr. DIRKSEN. Mr. President, in the 82d Congress, under Senate resolution 245, submitted by the Senator from Wisconsin [Mr. WILEY], a subcommittee of the Judiciary Committee conducted an extensive investigation into the administration of the Alien Property Act. That was renewed in the 83d Congress by another Senate resolution, and I became chairman of the subcommittee.

In January of this year the subcommittee filed a report and made recommendations, which included, among other things, a statement of the possibility, as a matter of national policy, of returning the property of enemy nationals, which would in effect be going back to the old principle of custodianship under the Alien Property Act, as it existed prior to World War II.

There has been a great deal of demand for hearings on a bill I introduced jointly with the Senator from Indiana [Mr.

JENNER] and the Senator from Maryland [Mr. BUTLER]. Therefore, Mr. President, I propose on July 1 and 2, which will be Thursday and Friday of next week, to conduct hearings, to ask the departments affected to send their representatives, to ascertain exactly what the sentiment is, and at least to get something underway with respect to the bill, which in large part articulates the sentiment expressed in the findings of the subcommittee.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. EASTLAND:

Article entitled "The Gentleman From Nevada," in tribute to Senator McCARRAN, written by Howard Rushmore, and published in the June 1954 issue of American Mercury.

By Mr. JOHNSON of Texas:

1. Article by LeRoy Menzing on tidelandsoil drilling appearing in a recent edition of the Fort Worth (Tex.) Star-Telegram.

2. Editorial entitled "Maverick Upheld Name, Stood by His Idealism," appearing in a recent edition of the Austin (Tex.) American.

By Mr. FULBRIGHT:

Article entitled "He Lives," written by Dr. George S. Reuter, Jr., and Mrs. G. S. Reuter.

Editorial entitled "Administration Bill?" published in the Daily Courier-Democrat, of Russellville, Ark., June 21, 1954.

By Mr. HUMPHREY:

Article entitled "Will There Be Jobs for 66 Million More Americans?" published in the July 1954 issue of the Democratic Digest.

Article from June 1954 issue of Fortune magazine relating to the community of Roseau, Minn.

By Mr. DOUGLAS:

Address entitled "Growing Up in the Present World," delivered by former Senator Frank P. Graham, of North Carolina, on the occasion of the 50th anniversary luncheon of the National Child Labor Committee, which will appear hereafter in the Appendix.

By Mr. HOLLAND:

Editorial entitled "Surpluses Plus Surpluses," published in the Christian Science Monitor of June 22, 1954.

By Mr. CASE:

Letter dated June 8, 1954, addressed to him by the Administrator of the Rural Electrification Association explaining REA income and cost figures.

By Mr. WILLIAMS:

Editorial entitled "With Subsidies Go Controls," published in the Wilmington (Del.) Morning News of June 23, 1954.

Editorial entitled "Congressman SAM Really YORRY Be Ashamed," published in the Cleveland Plain Dealer of June 5, 1954.

By Mr. MANSFIELD:

Editorial entitled "Tale of a 4-Year Old," published in the Celina (Ohio) Daily Standard.

REVISION OF ORGANIC ACT OF VIRGIN ISLANDS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3378) to revise the Organic Act of the Virgin Islands of the United States, which was, to strike out all after the enacting clause and insert:

That this act may be cited as the "Revised Organic Act of the Virgin Islands."

SEC. 2. (a) The provisions of this act, and the name "Virgin Islands" as used in this act, shall apply to and include the territorial domain, islands, cays, and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. 1706).

(b) The government of the Virgin Islands shall have the powers set forth in this act and shall have the right to sue by such name, and in cases arising out of contract, to be sued: *Provided*, That no tort action shall be brought against the government of the Virgin Islands or against any officer or employee thereof in his official capacity without the consent of the legislature constituted by this act.

The capital and seat of government of the Virgin Islands shall be located at the city of Charlotte Amalie, in the island of St. Thomas.

BILL OF RIGHTS

SEC. 3. No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to any person therein equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to be represented by counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence against himself; nor shall any person sit as judge or magistrate in any case in which he has been engaged as attorney or prosecutor.

All persons shall be ballable by sufficient sureties in the case of criminal offenses, except for first-degree murder or any capital offense when the proof is evident or the presumption great.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned or shall suffer forced labor for debt.

All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

No ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken for public use except upon payment of just compensation ascertained in the manner provided by law.

The right to be secure against unreasonable searches and seizures shall not be violated.

No warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Slavery shall not exist in the Virgin Islands.

Involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted by a court of law, shall not exist in the Virgin Islands.

No law shall be passed abridging the freedom of speech or of the press or the right of the people peaceably to assemble and petition the government for the redress of grievances.

No law shall be made respecting an establishment of religion or prohibiting the free

exercise thereof, and the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and no political or religious test other than an oath to support the Constitution and the laws of the United States applicable to the Virgin Islands, and the laws of the Virgin Islands, shall be required as a qualification to any office or public trust under the government of the Virgin Islands.

No money shall be paid out of the treasury except in accordance with an act of Congress or money bill of the legislature and on warrant drawn by the proper officer.

The contracting of polygamous or plural marriages as prohibited.

The employment of children under the age of 16 years in any occupation injurious to health or morals or hazardous to life or limb is prohibited.

Nothing contained in this act shall be construed to limit the power of the legislature herein provided to enact laws for the protection of life, the public health, or the public safety.

FRANCHISE

SEC. 4. The franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, 21 years of age or over. Additional qualifications may be prescribed by the legislature: *Provided*, however, That no property, language, or income qualification shall ever be imposed upon or required of any voter; nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

LEGISLATIVE BRANCH

SEC. 5. (a) The legislative power and authority of the Virgin Islands shall be vested in a legislature, consisting of one house, to be designated the "Legislature of the Virgin Islands," herein referred to as the legislature.

(b) The legislature shall be composed of 11 members to be known as senators. Two senators shall be elected by the qualified electors of the district of St. Thomas; 2 senators shall be elected by the qualified electors of the district of St. Croix; and 1 senator shall be elected by the qualified electors of the district of St. John; which districts are hereby established. The other 6 senators shall be senators at large and shall be elected by the qualified electors of the Virgin Islands from the Virgin Islands as a whole: *Provided*, That in the election of senators at large, each elector shall be entitled to vote for 4 candidates, and the candidates receiving the largest number of votes shall be elected at that election. The order of names upon the ballot shall be determined by lot among the candidates.

SEC. 6. (a) The term of office of each member of the legislature shall be 2 years. The term of office of each member shall commence on the second Monday in January following his election.

(b) No person shall be eligible to be a member of the legislature who is not a citizen of the United States, who has not attained the age of 25 years, who is not a qualified voter in the Virgin Islands, who has not been a bona fide resident of the Virgin Islands for a least 3 years next preceding the date of his election, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights. Federal employees and persons employed in the legislative, executive, or judicial branches of the government of the Virgin Islands shall not be eligible for membership in the legislature.

(c) All officers and employees charged with the duty of directing the administration of the electoral system of the Virgin Islands and its representative districts shall be appointed in such manner as the legislature may by law direct.

(d) No member of the legislature shall be held to answer before any tribunal other than the legislature for any speech or debate in the legislature and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature and in going to and returning from the same.

(e) Each member of the legislature shall be paid the sum of \$600 annually, one-third on the second Monday in January, one-third on the second Monday in February, and one-third at the close of the regular session. Each member of the legislature who is away from the island of his residence shall also receive the sum of \$10 per day for each day's attendance while the legislature is actually in session, in lieu of his expenses for subsistence, and shall be reimbursed for his actual travel expenses in going to and returning from each session, or period thereof, for not to exceed a total of 8 round trips during any calendar year. The salaries, per diem, and travel allowances of the members of the legislature shall be paid by the government of the Virgin Islands.

(f) No member of the legislature shall hold or be appointed to any office which has been created by the legislature, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, or during 1 year after the expiration of such term.

(g) The legislature shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpoena to witnesses and other parties concerned, and administer oaths. The rules of the Legislative Assembly of the Virgin Islands existing on the date of approval of this act shall continue in force and effect for sessions of the legislature, except as inconsistent with this act, until altered, amended, or repealed by the legislature.

(h) The judge for the District Court of the Virgin Islands shall fill any vacancy in the office of member of the legislature by appointment from a panel of three names supplied by the legislature. If the vacant office is that of a senator from a district, the person appointed shall be a resident of the district from which the member whose office is vacant was elected. If the vacant office is that of a representative at large, the residence of the person appointed shall not be material. In any case, the person appointed shall serve for the remainder of the unexpired term.

SEC. 7. (a) Regular sessions of the legislature shall be held annually commencing on the second Monday in January, and shall continue in regular session for not more than 60 consecutive calendar days in any calendar year. The Governor may call special sessions of the legislature at any time when in his opinion the public interests may require it, but no special session shall continue longer than 15 calendar days, and the aggregate of such special sessions during any calendar year shall not exceed 30 calendar days. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session.

(b) Sessions of the legislature shall be held in the capital of the Virgin Islands at Charlotte Amalie, St. Thomas.

SEC. 8. (a) The legislative authority and power of the Virgin Islands shall extend to all subjects of local application not inconsistent with this act or the laws of the United States made applicable to the Virgin Islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty or international agreement entered into by the United States, nor shall the lands or other property of non-

residents be taxed at a higher rate than the lands or other property of residents.

(b) The laws of the United States applicable to the Virgin Islands on the date of approval of this act, including laws made applicable to the Virgin Islands by or pursuant to the provisions of the act of June 22, 1936 (49 Stat. 1807), and all local laws and ordinances in force in the Virgin Islands on the date of approval of this act shall, to the extent they are not inconsistent with this act, continue in force and effect until otherwise provided by the Congress: *Provided*, That the legislature shall have power, when within its jurisdiction and not inconsistent with the other provisions of this act, to amend, alter, modify, or repeal any local law or ordinance, public or private, civil or criminal, continued in force and effect by this act, except as herein otherwise provided, and to enact new laws not inconsistent with any law of the United States applicable to the Virgin Islands, subject to the power of Congress to annul any such act of the legislature.

(c) The President of the United States shall appoint a commission of 7 persons, at least 3 of whom shall be residents of the Virgin Islands, to survey the field of Federal statutes and to make recommendations to the Congress within 12 months after the date of approval of this act as to which statutes of the United States not applicable to the Virgin Islands on such date should be made applicable to the Virgin Islands, and as to which statutes of the United States applicable to the Virgin Islands on such date should be declared inapplicable. The members of the commission shall receive no salary for their service on the commission, but under regulations and in amounts prescribed by the Secretary of the Interior, they may be paid, out of Federal funds, reasonable per diem fees, and allowances in lieu of subsistence expenses, for attendance at meetings of the commission, and for time spent on official business of the commission, and their necessary travel expenses to and from meetings or when upon such official business, without regard to the Travel Expense Act of 1949.

(d) The Secretary of the Interior shall arrange for the preparation, at Federal expense of a code of laws of the Virgin Islands, to be entitled the "Virgin Islands Code," which shall be a consolidation, codification, and revision of the local laws and ordinances in force in the Virgin Islands. When prepared, the Governor shall submit it, together with his recommendations, to the legislature for enactment. Upon the enactment of the Virgin Islands Code it and any supplements to it shall be printed, at Federal expense, by the Government Printing Office as a public document.

Sec. 9 (a) The quorum of the legislature shall consist of seven of its members. No bill shall become a law unless it shall have been passed at a meeting at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.

(b) The enacting clause of all acts shall be as follows: "Be it enacted by the Legislature of the Virgin Islands."

(c) The Governor shall submit at the opening of each regular session of the legislature a message on the state of the Virgin Islands and a budget of estimated receipts and expenditures, which shall be the basis of the appropriation bills for the ensuing fiscal year.

(d) Every bill passed by the legislature shall, before it becomes a law, be presented to the Governor. If the Governor approves the bill, he shall sign it. If the Governor disapproves the bill, he shall, except as hereinafter provided, return it, with his objections, to the legislature within 10 days (Sundays excepted) after it shall have been presented to him. If the Governor does not return the bill within such period, it shall

be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within 30 days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature agree to pass the bill, it shall be presented anew to the Governor. If he then approves it, he shall sign it; if not, he shall within 10 days after it has been presented to him transmit it to the President of the United States. If the President approves the bill, he shall sign it. If he disapproves the bill, he shall return it to the Governor, so stating, and it shall not be a law. If the President neither approves nor disapproves the bill within 90 days from the date on which it is transmitted to him by the Governor, the bill shall be a law in like manner as if the President had signed it. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect.

(e) If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payment of the obligations and necessary current expenses of the government of the Virgin Islands for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified so far as the same may be applicable, shall be deemed to be reappropriated item by item.

(f) The legislature shall keep a journal of its proceedings and publish the same. Every bill passed by the legislature and the yeas and nays on any question shall be entered on the journal.

(g) Copies of all laws enacted by the legislature shall be transmitted within 15 days of their enactment by the Governor to the Secretary of the Interior and by him annually to the Congress of the United States.

Sec. 10. The next general election in the Virgin Islands shall be held on November 2, 1954. At such time there shall be chosen the entire membership of the legislature as herein provided. Thereafter the general elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1956, and every 2 years thereafter. The Municipal Council of St. Thomas and St. John, and the Municipal Council of St. Croix, existing on the date of approval of this act, shall continue to function until January 10, 1955, at which time all of the functions, property, personnel, records, and unexpended balances of appropriations of the governments of said municipalities shall be transferred to the government of the Virgin Islands.

EXECUTIVE BRANCH

Sec. 11. The executive power of the Virgin Islands shall be vested in an executive officer whose official title shall be the "Governor of the Virgin Islands," and shall be exercised under the supervision of the Secretary of the Interior. The Governor of the Virgin Islands shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President and until his successor is chosen and qualified. The Governor shall reside in St. Thomas during his official incumbency. He shall have general supervision and control of all the depart-

ments, bureaus, agencies, and other instrumentalities of the executive branch of the government of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and may grant respites for all offenses against the laws of the United States applicable in the Virgin Islands until the decision of the President can be ascertained. He may veto any legislation as provided in this act. He shall appoint all officers and employees of the executive branch of the government of the Virgin Islands, except as otherwise provided in this or any other act of Congress, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Virgin Islands and the laws of the United States applicable in the Virgin Islands. Whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia, to prevent or suppress violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the islands, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon made known. He shall annually, and at such other times as the President or the Congress may require, make official report of the transactions of the government of the Virgin Islands to the Secretary of the Interior, and his said annual report shall be transmitted to the Congress. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President, or by the Secretary of the Interior. He shall have the power to issue executive regulations not in conflict with any applicable law. He may attend or may designate another person to represent him at the meetings of the legislature, may give expression to his views on any matter before that body, and may recommend bills to the legislature.

Sec. 12. The President shall appoint a government secretary for the Virgin Islands, who shall reside in St. Croix during his official incumbency. He shall have custody of the seal of the Virgin Islands and shall countersign and affix such seal to all executive proclamations and all other executive documents. He shall record and preserve the laws enacted by the legislature. He shall promulgate all proclamations and orders of the Governor and all laws enacted by the legislature. He shall have such executive powers and perform such other duties as may be assigned to him by the Governor. He shall also serve as the administrator for St. Croix, without additional compensation, and in that capacity shall act for the Governor in the administration of the affairs of St. Croix.

Sec. 13. In case of a vacancy in the office of Governor or the disability or temporary absence of the Governor, the government secretary shall have all the powers of the Governor.

Sec. 14. The Secretary of the Interior may from time to time designate the head of an executive department of the government of the Virgin Islands to act as Governor in the case of a vacancy in the offices, or the disability or temporary absence, of both the Governor and the government secretary, and the person so designated shall have all the powers of the Governor for so long as such condition continues.

Sec. 15. (a) The Governor shall, within 1 year after the date of approval of this act subject to the approval of the legislature, reorganize and consolidate the existing executive departments, bureaus, independent boards, agencies, authorities, commissions, and other instrumentalities of the govern-

ment of the Virgin Islands or of the municipal governments, except for independent bodies whose existence may be required by Federal law for participation in Federal programs, into the following executive departments: a department of finance, the head of which shall be designated as the treasurer; a department of public works, the head of which shall be designated as the commissioner of public works; a department of education, the head of which shall be designated as the commissioner of education; a department of commerce and industry, the head of which shall be designated as the commissioner of commerce and industry; a department of health and welfare, the head of which shall be designated as the commissioner of health and welfare; and a department of agriculture and labor, the head of which shall be designated as the commissioner of agriculture and labor. No other department, bureau, independent board, agency, authority, commission, or other instrumentality shall be created, organized, or established by the Governor or the legislature, without the prior approval of the Secretary of the Interior, unless required by Federal law for participation in Federal programs.

(b) The Governor shall, from time to time subject to the approval of the legislature, examine the organization of the executive branch of the government of the Virgin Islands, and shall make such changes therein, not inconsistent with this act, as he determines are necessary to promote effective management and to execute faithfully the purposes of this act and the laws of the Virgin Islands.

(c) The heads of the executive departments created by this act shall be appointed by the Governor, with the advice and consent of the legislature. Each shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is appointed and qualified, unless sooner removed by the Governor. Each shall have such powers and duties as may be prescribed by the legislature.

SEC. 16. (a) The Secretary of the Interior shall appoint a government comptroller who shall be nominated by the Comptroller General of the United States and who shall receive a salary of \$12,500 per annum. The government comptroller shall hold office for a term of 10 years and until his successor is appointed and qualified, unless sooner removed by the President for cause. The government comptroller shall not be eligible for reappointment.

(b) The government comptroller shall establish and maintain appropriate general accounts for revenues and receipts accrued, and collected or abated, for the bonded indebtedness of the Virgin Islands, for the cash with accountable officers and for appropriations and property of the government of the Virgin Islands and accounts pertaining to the funds and property held in trust by the government or any of its branches.

(c) The jurisdiction of the government comptroller over the accounts whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive.

(d) He shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the methods of accounting for public funds and property, and funds and property held in trust by the government or any of its branches.

(e) The government comptroller shall examine, adjust, decide, audit, and settle all accounts and claims pertaining to the revenues and receipts from whatever source of the government of the Virgin Islands and of funds derived from bond issues; and he shall examine, audit, and settle, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin

Islands including those pertaining to trust funds held by the government of the Virgin Islands.

(f) It shall be the duty of the government comptroller to bring to the attention of the proper administrative officer failures to collect amounts due the government, and expenditures of funds or property which in his opinion are extravagant, excessive, unnecessary, or irregular.

(g) It shall be the duty of the government comptroller to certify to the Secretary of the Interior the net amount of government revenues which form the basis for Federal grants for the civil government of the Virgin Islands.

(h) The decisions of the government comptroller shall be final except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within 1 year from the date of the decision, to the Governor, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken with the reasons and the authorities relied upon for reversing such decision.

(i) If the Governor confirms the decision of the government comptroller, then relief may be sought by appeal to the legislature or to the District Court of the Virgin Islands.

(j) The government comptroller shall, except as may be otherwise provided, have like authority as that conferred by law on the Comptroller General of the United States, and is authorized to communicate directly with any person having claims before him for settlement, or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

(k) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of the Virgin Islands an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government, classified according to municipalities.

(l) The government comptroller shall make such other reports as may be required by the Governor of the Virgin Islands, the Comptroller General of the United States, or the Secretary of the Interior.

(m) The office of the government comptroller shall be under the general supervision of the Governor, but shall not be a part of any executive department in the government of the Virgin Islands.

SYSTEM OF ACCOUNTS

SEC. 17. The system of accounts for the government of the Virgin Islands shall be prescribed by the Comptroller General of the United States.

SEC. 18. The fiscal transactions and accounts of the government of the Virgin Islands, including special and trust funds administered by the government of the Virgin Islands shall be subject to review annually by the Comptroller General of the United States, and report thereon shall be made by him to the Governor, the Secretary of the Interior, and to the Congress.

SEC. 19. (a) The Governor shall receive an annual salary at the rate provided for Governors of Territories and possessions in the Executive Pay Act of 1949.

(b) The government secretary, the heads of the executive departments, and the members of the immediate staffs of the Governor and the government secretary shall receive annual salaries at rates established by the Secretary of the Interior in accordance with the standards provided in the Classification Act of 1949.

(c) The salaries of the Governor, the government secretary, and the members of their immediate staffs shall be paid by the United States. The salaries of the government comptroller and the heads of the executive

departments shall be paid by the government of the Virgin Islands; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor.

JUDICIAL BRANCH

SEC. 20. The judicial power of the Virgin Islands shall be vested in a court of record to be designated the "District Court of the Virgin Islands," and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by local law.

SEC. 21. The District Court of the Virgin Islands shall have the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties, and laws of the United States. It shall have general original jurisdiction in all civil actions arising under the local law in force in the Virgin Islands wherein the matter in controversy exceeds the sum or value of \$500, exclusive of interest and costs. It shall have general original jurisdiction in all criminal cases involving offenses against the local law in force in the Virgin Islands where the minimum punishment which may be imposed exceeds a fine of \$100 or imprisonment for 6 months or both. The district court shall also have appellate jurisdiction to review the judgments and orders of the inferior courts of the Virgin Islands to the extent now or hereafter prescribed by local law.

SEC. 22. The inferior courts now or hereafter established by local law shall have jurisdiction of all civil actions wherein the matter in controversy does not exceed the sum or value of \$500, exclusive of interest and costs, all criminal cases wherein the maximum punishment which may be imposed does not exceed a fine of \$100 or imprisonment for 6 months, or both, all violations of police and executive regulations, and all actions, civil or criminal, jurisdiction of which may hereafter be conferred upon them by local law. The inferior courts shall hold preliminary investigations in charges of felony and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction granted to the inferior courts by this section, and shall commit offenders to district court and grant bail in bailable cases. The rules governing the inferior courts and prescribing the duties of the judges and officers thereof, oaths and bonds, the times and places of holding court, and the procedure for appeals to the district court shall be as may hereafter be established by the district court. The rules governing disposition of fines, costs, and forfeitures, enforcement of judgments, and disposition and treatment of prisoners shall be as established by law or ordinance in force on the date of approval of this act or as may hereafter be so established.

SEC. 23. The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of the Virgin Islands, who shall hold office for the term of 8 years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The salary of the judge of the district court shall be at the rate prescribed for judges of the United States district courts. The Chief Justice of the United States may assign any United States circuit or district judge, with his consent, to serve as a judge in the District Court of the Virgin Islands whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the court. The provisions of chapter 49 of title 28, United States Code, shall apply to the District Court of the Virgin Islands. The compensation of the judge of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States. The Attorney General shall, as heretofore, appoint a marshal for the Virgin Islands to whose office the pro-

visions of chapter 33 of title 28, United States Code, shall apply.

SEC. 24. The Virgin Islands shall consist of 2 judicial divisions, 1 constituted by the island of St. Croix, and 1 constituted by the islands of St. Thomas and St. John. The district court shall hold sessions in each division at such time as the court may designate by rule or order, at least once in 3 months in each division. The rules of practice and procedure heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of title 28, United States Code, in civil cases, section 2073 of title 28, United States Code, in admiralty cases, and section 30 of the Bankruptcy Act in bankruptcy cases, shall apply to the District Court of the Virgin Islands and to appeals therefrom. All offenses shall continue to be prosecuted in the district court by information as heretofore except such as may be required by local law to be prosecuted by indictment by a grand jury. The process of the district court shall run throughout the Virgin Islands.

SEC. 25. In any criminal case originally in the district court, no person shall be denied the right to trial by jury on the demand of either party. If no jury is demanded the case shall be tried by the judge of the district court without a jury, except that the judge may, on his own motion, order a jury for the trial of any criminal action. The legislature may provide for trial in misdemeanor cases by a jury of six qualified persons.

SEC. 26. The President shall, by and with the advice and consent of the Senate, appoint a district attorney for the Virgin Islands, who shall hold office for the term of 4 years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The district attorney shall conduct all legal proceedings, civil and criminal, to which the Government of the United States is a party in the District Court of the Virgin Islands and in the inferior courts of the Virgin Islands, and to which the government of the Virgin Islands is a party in the District Court of the Virgin Islands. Offenses against the laws of the Virgin Islands shall be prosecuted in the name of the people of the Virgin Islands. He shall also serve as legal adviser to the Governor. The district attorney shall perform his duties under the supervision and direction of the Attorney General of the United States. The Attorney General shall appoint one assistant district attorney who shall conduct all proceedings, civil and criminal, to which the government of the Virgin Islands is a party in the inferior courts of the Virgin Islands. The Attorney General may authorize the employment of necessary clerical assistants. The compensation of the district attorney and his assistant and employees shall be fixed by the Attorney General and their salaries and the other necessary expenses of the office shall be paid from appropriations made to the Department of Justice. In the case of a vacancy in the office of the district attorney, the District Court of the Virgin Islands may appoint a district attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.

FISCAL PROVISIONS

SEC. 27. (a) The proceeds of customs duties, the proceeds of the United States income tax, the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and the proceeds of all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands, less the cost of collecting all of said duties, taxes, and fees, shall be covered into the treasury of the Virgin Islands, and shall be available for expenditure as the Legislature

of the Virgin Islands may provide: *Provided*, That the term "inhabitants of the Virgin Islands" as used in this section shall include all persons whose permanent residence is in the Virgin Islands, and such persons shall satisfy their income-tax obligation under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands: *Provided further*, That nothing in this act shall be construed to apply to any tax specified in section 3811 of the Internal Revenue Code.

(b) Subchapter B of chapter 28 of the Internal Revenue Code is amended by adding to section 3350 thereof the following subsection:

"(c) Disposition of internal revenue collections: Beginning with the fiscal year ending June 30, 1954, and annually thereafter, the Secretary of the Treasury shall determine the amount of all taxes imposed by, and collected during the fiscal year under, the internal revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States. The amount so determined less 1 percent and less the estimated amount of refunds or credits shall be subject to disposition as follows:

"(i) There shall be transferred and paid over to the government of the Virgin Islands from the amounts so determined a sum equal to the total amount of the revenue collected by the government of the Virgin Islands during the fiscal year, as certified by the treasurer of the Virgin Islands. The moneys so transferred and paid over shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as the legislature may determine: *Provided*, That the approval of the President or his designated representative shall be obtained before such moneys may be obligated or expended.

"(ii) There shall also be transferred and paid over to the government of the Virgin Islands during each of the fiscal years ending June 30, 1955, and June 30, 1956, the sum of \$1,000,000, or the balance of the internal revenue collections available under this subsection (c) after payments are made under the preceding paragraph (i), which ever amount is greater. The moneys so transferred and paid over shall be deposited in the separate fund established by the preceding paragraph (i) but shall be obligated or expended for emergency purposes and essential public projects only, with the prior approval of the President or his designated representative.

"(iii) Any amounts remaining shall be deposited in the Treasury of the United States as miscellaneous receipts.

"If at the end of any fiscal year the total of the Federal contribution made under (i) above at the beginning of that fiscal year has not been obligated or expended for an approved purpose, the balance shall continue available for expenditure during any succeeding fiscal year, but only for approved emergency relief purposes and essential public projects as provided in (ii) above. The aggregate amount of moneys available for expenditure for emergency relief purposes and essential public projects only, including payments under (ii) above, shall not exceed the sum of \$5,000,000 at the end of any fiscal year. Any unobligated or unexpended balance of the Federal contribution remaining at the end of a fiscal year which would cause the moneys available for emergency relief purposes and essential public projects only to exceed the sum of \$5,000,000 shall thereupon be transferred and paid over to the Treasury of the United States as miscellaneous receipts."

(c) There shall be levied, collected, and paid upon all articles coming into the United

States or its possessions from the Virgin Islands the rates of duty and internal revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles, the growth or product of, or manufactured in, such islands, from materials grown or produced in such islands or in the United States, or both, or which do not contain foreign materials to the value of more than 50 percent of their total value, upon which no drawback of custom duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. In determining whether such a Virgin Islands article contains foreign material to the value of more than 50 percent, no material shall be considered foreign which, at the time the Virgin Islands article is entered, or withdrawn from warehouse for consumption, may be imported into the continental United States free of duty generally.

MISCELLANEOUS PROVISIONS

SEC. 28. All officials of the government of the Virgin Islands shall be citizens of the United States. Every member of the Legislature of the Virgin Islands and all officers and employees of the government of the Virgin Islands shall before entering upon the duties of their respective offices, or, in the case of persons in the employ of the government of the Virgin Islands on the effective date of this act, then within 60 days of the effective date thereof, make a written statement in the following form:

"I, ———, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution and laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands, and that I will discharge the duties of ——— with fidelity.

"And I do further swear (or affirm) that I do not advocate, nor am I knowingly a member of any organization that advocates, the overthrow of the Government of the United States or of the Virgin Islands by force or violence or other unconstitutional means, or seeking by force or violence to deny other persons their rights under the Constitution and laws of the United States applicable to the Virgin Islands or the laws of the Virgin Islands.

"And I do further swear (or affirm) that I will not so advocate nor will I knowingly become a member of such organization during the period that I am an employee of the Virgin Islands."

SEC. 29. All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is hereby authorized to place all matters pertaining to the government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to the judicial branch of said government which on the date of approval of this act are under the supervision of the Director of the Administrative Office of the United States Courts.

SEC. 30. (a) The Secretary of the Interior shall be authorized to lease or to sell upon such terms as he may deem advantageous to the Government of the United States any property of the United States under his administrative supervision in the Virgin Islands not needed for public purposes.

(b) The government of the Virgin Islands shall continue to have control over all public property that is under its control on the date of approval of this act.

SEC. 31. Section 6 of the act of August 30, 1890 (26 Stat. 414, 416), as amended (21 U. S. C., 1946 ed., sec. 104), is further amended by inserting the words "and the admission into the Virgin Islands" immediately following the word "Texas", so that such section will read as follows:

"The importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within 60 days next before their exportation is prohibited: *Provided*, That the Secretary of Agriculture, within his discretion and under such regulations as he may prescribe, is authorized to permit the admission from Mexico into the State of Texas and the admission into the Virgin Islands of cattle which have been infested with or exposed to ticks upon being freed therefrom. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding 3 years, and any vessel or vehicle used in such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States."

SEC. 32. Section 2 of the act of February 2, 1903 (32 Stat. 791, 792), as amended (21 U. S. C., 1946 ed., sec. 111), is hereby further amended by striking out the period and adding at the end thereof the following: "*Provided*, That no such regulations or measures shall pertain to the introduction of live poultry into the Virgin Islands of the United States."

SEC. 33. This act shall take effect upon its approval, but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the incumbents of all offices under the government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority. The enactment of this act shall not affect the term of office of the judge of the District Court of the Virgin Islands in office on the date of its enactment.

SEC. 34. Except to the extent necessary to implement the provisions of section 31 hereof, and except with reference to the authority of the Secretary of the Treasury under section 36 of the act of June 22, 1936 (49 Stat. 1807), said act and other provisions of law inconsistent with this act are hereby repealed.

Mr. BUTLER of Nebraska. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BUTLER of Nebraska, Mr. CORDON, Mr. WATKINS, Mr. JACKSON, and Mr. LONG conferees on the part of the Senate.

COMMERCIAL SPONSORSHIP OF SENATE HEARINGS

Mr. BENNETT. Mr. President, a few days ago, in discussing the question of the televising of Senate committee hearings, I stated:

We have, during the recent hearings, seen that dignity stretched to the point where accolades have been given, perhaps incontinently—

And I emphasized those two words—to a motion picture whose promoters were lucky enough or astute enough to provide a model ship at the proper moment to win a nationwide, two-channel blessing from the chair.

Mr. President, I was very much interested to read in the Washington Post of June 23, in the column of Walter Winchell, the following words:

The colyum was indirectly responsible for the best press agent coup in 15 years. Al Rylander (for Columbia Pictures) set up the invite to Senator MUNDT (and the committee) to witness The Caine Mutiny due at the Capitol here on the 24th. MCCARTHY gave it a hefty assist by equipping: "The Caine Mutiny or The Cohn Mutiny?" which readers and others recall reading here sometime ago. It took 3 weeks of behind-the-scenes maneuvering to get the tremendous free ad on the caucus room cameras. A 35-second plug.

In other words, the process by which commercial sponsorship of Senate committee hearings will be exploited to the limit has already begun.

I think Mr. Winchell's claim of credit for the maneuvering, which he says is "The best press agent coup in 15 years," should warn us that one of these days someone will have a midget sitting on his lap, as another reminder of the fact that we cannot lower the dignity of the Senate by such commercially sponsored televised hearings.

THE IMPORTANCE OF INVENTIONS FOR NATIONAL DEFENSE

Mr. WILEY. Mr. President, I have prepared a statement with respect to the importance of United States inventive technology for purposes of improved national defense.

I send to the desk the text of this statement, and ask unanimous consent that it be printed at this point in the body of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WILEY

THE SIGNIFICANCE OF UTILIZING FOREIGN AND AMERICAN INVENTIVE TALENT

The other day the United States got grim confirmation of the fact that we are not keeping competitive step with the Soviet Union in the life-and-death technological race for superiority in weapons and weapons systems.

Assistant Secretary of Defense for Research and Development, Donald A. Quarles, stated that our technical position as compared with that of the Soviet Union is less favorable than it was a year ago. Said Mr. Quarles:

"Our margin of advantage has narrowed and we must face the sober inferences to be drawn from these facts."

Secretary of Defense Charles E. Wilson later said that we now have "a better understanding of what the gap is."

So far as I am concerned, I point out that no man can be absolutely sure today or tomorrow whether we are 1 year, 2 years, or 3 years ahead of the Soviet Union in any particular field—in the field of intercontinental bombers, guided missiles, the A-bomb, the H-bomb, etc.

An attempted comparison of how far we are ahead, if at all, depends upon a great many variables, such as (a) the reliability of our intelligence information out of the Soviet Union, (b) the willingness of the Soviet Union to show off its own military might as in the recent air parade when it showed off bombers akin to our B-47 and B-52, (c) the ability of Soviet scientists to "crack" particular problems which might be holding them up—and whose solution might overnight accelerate their work, etc.

Reds have surpassed experts' estimates

Moreover, even if we are at this particular moment far ahead in any or all of these fields (and there is very disturbing evidence to the contrary) the fact of the matter is this:

The Soviet Union has time and again upset our calculations as to how far we are ahead and how long it would actually take them to close the gap.

Very often certain of our experts have predicted that the Soviets could not for, say, 2 years achieve some particular technical objective; and then the Reds have surprised us by achieving the objective far ahead of schedule.

It is obvious that when a totalitarian nation such as the Soviet Union concentrates one-half or more of its entire industrial might toward military purposes exclusively, it can attain objectives which we, from our peaceful, civilian economy standpoint, might regard as unattainable within a given period of time.

There is clear evidence that the Soviet training en masse of engineers and scientists is paying off, just as diabolic Soviet overseas espionage has paid off and just as Soviet mass importation of German scientists paid off.

In any event, the job facing the United States is to utilize to the fullest American and Allied inventive genius in every phase of military science. We must keep as far ahead as we possibly can—under the circumstances of a free democratic and peacefully inclined society.

To do this we must have sufficient reservoirs of well-utilized technicians, scientists, engineers so that we do not lose out in the life-and-death race.

Fortunately, the United States has several instrumentalities by which to encourage inventive technology.

The Defense Establishment's splendid research and development program which is well described in the current issue of Reader's Digest is a principal case in point.

Then, too, there is the National Inventors Council, with which I have had a good deal of contact in recent times.

Vital work of National Inventors Council

This organization composed of some of the greatest industrial and military names on the American scene, has performed invaluable service for American military science throughout World War II and the postwar years in evaluating inventive ideas suggested by the American public.

Recently, I received current word on the NIC from Mr. John C. Green, Acting Director of the Office of Technical Services of the Department of Commerce. Mr. Green forwarded an encouraging progress report from Mr. Lawrence Langner, the able secretary of the National Inventors Council, to the members of that distinguished body.

Among the favorable developments reported here and elsewhere has been an increasingly understanding approach by the Defense Department toward several longstanding claims by leading civilian inventors—claims which certain impartial observers feel had previously not been given sufficient consideration by the Defense Establishment.

The Langner report described other promising developments, evidencing a heightened interest by our Defense officials in providing incentive for United States inventors. It reported, for example, the creation of a committee within the Defense Department to examine present methods of handling the civilian inventor.

I welcome this report as another favorable indication of the forward-looking views of the present administration. Views contribute toward this vital objective in which I, for one, have long enthusiastically believed.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued June 29, 1954
For actions of June 28, 1954
83rd-2nd, No. 119

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HIGHLIGHTS: House debated foreign aid bill. House acted on amendments to trade agreements bill. Conferees announced agreement on surplus commodities bill. Senate debated tax revision bill. Sen. Millikin discussed soil conservation provision. Both Houses agreed to conference report on Interior appropriation bill. Senate passed legislative-judiciary appropriation bill. Sen. Anderson recommended earmarking of forest receipts for recreation. Senate committee reported life insurance bill for Federal employees. House received USDA proposal to authorize cooperation with Canada and Mexico in insect control.

HOUSE

1. FOREIGN AID. Began debate on H. R. 9678, the foreign aid authorization bill, which had been reported on June 25 during House recess (H. Rept. 1925)(pp. 8665, 8622, 8624-60). The bill authorizes appropriations for the fiscal year 1955, for military aid, economic development assistance, and technical cooperation.
2. SURPLUS COMMODITIES. On June 26, during House recess, the conferees agreed to file a report on S. 2475, to aid in disposal of surplus commodities, but the report was not actually submitted. The "Daily Digest" states: "Among other agreements made, the conferees agreed to reduce the total amount to be sold from \$1 billion to \$700 million, and to retain \$300 million for famine relief." (p. D750.)
3. TRADE AGREEMENTS. Concurred in the Senate amendment to the trade agreements bill, H. R. 9474, providing that this bill indicates no congressional decision on GATT, and concurred with an amendment to the Senate amendment to provide that no trade agreement shall endanger defense production (pp. 8660-1).
4. INTERIOR APPROPRIATION BILL, 1955. Both Houses agreed to the conference report on this bill, H. R. 8680, and acted on amendments in disagreement (pp. 8614-18, 8592-5). This bill will now be sent to the President.

AND PLANT-DISEASE

5. INSECT/CONTROL. Received from this Department a proposed bill to authorize cooperation with Mexico and Canada in the control of incipient or emergency outbreak of insect pests or plant diseases in those countries; to Agriculture Committee (p. 8665).
6. EDUCATION. The Education and Labor Committee reported with amendment H. R. 9640, to amend the Vocational Rehabilitation Act so as to promote and assist in the extension and improvement of the program (H. Rept. 1941)(p. 8665).
7. RECLAMATION. The Committee on Interior and Insular Affairs reported with amendment H. R. 236, to authorize the Fryingpan-Arkansas project (H. Rept. 1943), and without amendment S. J. Res. 165, to authorize the Glendo unit, Wyo. (H. Rept. 1944)(p. 8665).
8. D. C. APPROPRIATION BILL, 1955. Received the conference report on this bill, H. R. 9517 (H. Rept. 1945)(pp. 8612-14).
9. LABOR-HEW APPROPRIATION BILL, 1955. House conferees were appointed on this bill, H. R. 9447 (p. 8614). Senate conferees have been appointed.
10. COPPER IMPORTS. Concurred in the Senate amendment to H. R. 7709, to continue duty-free copper imports for 1 more year (p. 8620). This bill will now be sent to the President.
11. VIRGIN ISLANDS. House conferees were appointed on S. 3378, to revise the Virgin Islands organic act, which includes a provision regarding importation of diseased animals (p. 8620). Senate conferees have been appointed.
12. TRANSPORTATION. Rep. Oakman claimed there are "discriminatory tolls on interstate truck transportation" (pp. 8622-5).
13. PRICE SUPPORTS. Rep. Thompson, La., spoke against reduction in price supports (p. 8662).

SENATE

14. LEGISLATIVE-JUDICIARY APPROPRIATION BILL, 1955. Passed with amendments this bill, H. R. 9302 (pp. 8595-607). Senate conferees were appointed. Agreed to an amendment by Sen. Mundt to validate obligations under any regular annual appropriation act between June 30, 1954, and the date of its approval (p.8598). Rejected an amendment by Sen. Carlson to enable the Joint Committee on the Economic Report to continue the publication of monthly "Economic Indicators" (pp. 8600-2).
15. TAXATION. Began debate on H. R. 8300, the general tax revision bill. Adopted committee amendments en bloc so that the bill, as so amended, will be considered as the original text for the purpose of further amendment. (pp. 8536-89, 8602, 8607-9.)

Sen. Millikin discussed the soil conservation provision which allows farmers to deduct expenditures (as expense rather than capitalization) for soil and water conservation, including those for leveling, grading, terracing, drainage, contour furrowing, eradication of brush, planting of windbreaks, and other expenses for treatment or moving of earth. The Senate committee modified the House bill to make it clear that the provision applies to earthen dams not subject to depreciation and to the construction as well as the control and protection of watercourses, outlets, and ponds. The committee also made the provision applicable for expenditures by farmers to satisfy special assessments

The language of the resolution is patterned on language approved in earlier legislation providing for the free importation of goods for display at other expositions or world fairs.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WASHINGTON STATE FOURTH INTERNATIONAL TRADE FAIR, SEATTLE, WASH.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H. J. Res. 537) to permit articles imported from foreign countries for the purpose of exhibition at the Washington State Fourth International Trade Fair, Seattle, Wash., to be admitted without payment of tariff, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

*Resolved, etc., That all articles which shall be imported from foreign countries for the purpose of exhibition at the Washington State Fourth International Trade Fair, to be held at Seattle, Wash., from March 11 to March 25, 1955, inclusive, by the International Trade Fair, Inc., a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the said trade fair, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within 3 months after the close of the said trade fair to sell within the area of the trade fair any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within 3 months after the close of the trade fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition un-*

der any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said trade fair under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the International Trade Fair, Inc., a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this joint resolution, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisal, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this joint resolution, shall be reimbursed by the International Trade Fair, Inc., a corporation, to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930, as amended (U. S. C., 1946 ed., title 19, sec. 1524).

(Mr. REED of New York asked and was given permission to extend his remarks at this point.)

Mr. REED of New York. Mr. Speaker, this joint resolution follows the pattern of previous legislation enacted by the Congress in connection with various international exhibitions, expositions, and fairs held in the United States. It has long been the policy of the Congress to facilitate the participation of foreign countries in international expositions held in the United States by permitting articles intended for display at these expositions to be entered free of import duties and charges under safeguarding regulations of the Secretary of the Treasury.

The Washington State Fourth International Trade Fair is to be held at Seattle, Wash., from March 11 to March 25, 1955, inclusive, by the International Trade Fair, Inc. This corporation, in the interest of greater international collaboration in the interchange of newly developed products, will assemble a number of products from the Far East for the purpose of educating the American people concerning these items.

The joint resolution provides that the imported articles shall not be subject to marking requirements of the general tariff laws except when such articles are withdrawn for consumption or use in the United States. Articles so admitted may be lawfully sold at any time during or within 3 months after the close of the trade fair, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe.

The language of the resolution is identical in terms with that approved in earlier legislation providing for the free importation of goods for display at other expositions or world fairs.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTERNATIONAL TRADE-SAMPLE FAIR, DALLAS, TEX.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H. J. Res. 545) to permit articles imported from foreign countries for the purpose of exhibition at the International Trade-Sample Fair, Dallas, Tex., to be admitted without payment of tariff, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

*Resolved, etc., That all articles which shall be imported from foreign countries for the purpose of exhibition at the International Trade-Sample Fair to be held at Dallas, Tex., in 1955, or for use in constructing, installing, or maintaining foreign exhibits at such fair, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges, under such regulations as the Secretary of the Treasury shall prescribe. It shall be lawful at any time during or within 3 months after the close of such fair to sell within the area of such fair any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on any articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within 3 months after the close of such fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such articles shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at such fair under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the International Trade-Sample Fair shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this joint resolution, and the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisal, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting*

for, articles imported under the provisions of this joint resolution, shall be reimbursed by the International Trade-Sample Fair to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury; and receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C., sec. 1524).

(Mr. REED of New York asked and was given permission to extend his remarks at this point.)

Mr. REED of New York. Mr. Speaker, this joint resolution follows the pattern of previous legislation enacted by the Congress in connection with various international exhibitions, expositions, and fairs held in the United States. It has long been the policy of the Congress to facilitate the participation of foreign countries in international expositions held in the United States by permitting articles intended for display at these expositions to be entered free of import duties and charges under safeguarding regulations of the Secretary of the Treasury.

The joint resolution provides that the imported articles shall not be subject to marking requirements of the general tariff laws except when such articles are withdrawn for consumption or use in the United States. Articles so admitted may be lawfully sold at any time during or within 3 months after the close of the fair, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe.

The language of the resolution is patterned on language approved in earlier legislation providing for the free importation of goods for display at other expositions or world fairs.

[Mr. WILSON of Texas addressed the House. His remarks will appear hereafter in the Appendix.]

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO AMEND PARAGRAPH 1539 OF THE TARIFF ACT OF 1930 WITH RESPECT TO FOOTWEAR

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6465) to amend paragraph 1530 of the Tariff Act of 1930 with respect to footwear, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert "That paragraph 1530 (e) of the Tariff Act of 1934, as amended by adding at the end thereof the following: 'For the purposes of this paragraph and any existing or future proclamation of the President relating thereto, footwear of which a major portion, in area, of the basic wearing surface of the outer soles (that part of the article, not including the heel, that is designed to be the basic wearing surface and to resist wear on contact with any surface) is composed of

india rubber or any substitute for rubber, or both, shall be deemed to have soles wholly or in chief value of india rubber or substitutes for rubber.' The foregoing amendment shall enter into force as soon as practicable, on a date to be specified by the President in a notice to the Secretary of the Treasury following such negotiations as may be necessary to effect a modification or termination of any international obligations of the United States with which the amendment might conflict, but in any event not later than 180 days after the passage of this act."

Mr. REED of New York. Mr. Speaker, the House bill was intended to close an apparent loophole in the tariff laws which permits foreign producers to insert a leather filler in rubber footwear and thus escape the duty applicable to such footwear. The Senate amendment has two purposes:

First, it limits the change in classification to rubber-soled footwear with fabric uppers such as tennis shoes, sneakers, and so forth. This, of course, was the original purpose of the House bill.

Second. The Senate amendment provides an opportunity up to 180 days to effect modification or termination of any international obligations with which the bill might conflict. The Departments of State and Treasury originally objected to the bill but have withdrawn their objections in view of this amendment.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was agreed to, and a motion to reconsider was laid on the table.

SUSPENSION OF CERTAIN IMPORT TAXES ON COPPER

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7709) to continue until the close of June 30, 1956, the suspension of certain import taxes on copper, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Line 7, strike out "1956" and insert "1955." Amend the title so as to read: "An act to continue until the close of June 30, 1955, the suspension of certain import taxes on copper."

Mr. REED of New York. Mr. Speaker, the Senate amendment simply provides for a 1-year suspension of the copper duty instead of the 2-year suspension voted by the House.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was agreed to, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. COOPER. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. Wilson] the author of the trade pact bill, if he so desires, may

extend his remarks immediately following consideration of that bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REVISING THE ORGANIC ACT OF THE VIRGIN ISLANDS OF THE UNITED STATES

Mr. D'EWARD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3378) to revise the Organic Act of the Virgin Islands of the United States, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana? The Chair hears none, and appoints the following conferees: Messrs. D'EWARD, SAYLOR, BERRY, ENGLE, and BENTSEN.

CONTINUANCE OF CIVIL GOVERNMENT FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. D'EWARD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3318) to provide for a continuance of civil government for the Trust Territory of the Pacific Islands.

Permit me to state that I have consulted both the majority and minority leaders on this bill and it is reported unanimously by the committee.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the bill, as follows:

Whereas pursuant to the authority of Public Law 204, 80th Congress, approved July 18, 1947, the President approved a trusteeship agreement for the Trust Territory of the Pacific Islands between the United States Government and the Security Council of the United Nations; and

Whereas responsibility for civil administration of the trust territory was vested in the Secretary of the Navy by Executive Order No. 9875 of July 18, 1947; and

Whereas responsibility for such administration was transferred to the Secretary of the Interior, effective July 1, 1951, by Executive Order No. 10265 of June 29, 1951, as amended by Executive Order No. 10408 of November 10, 1952, and Executive Order No. 10470 of July 17, 1953: Therefore

Be it enacted, etc., That until Congress shall further provide for the government of the Trust Territory of the Pacific Islands, all executive, legislative, and judicial authority necessary for the civil administration of the trust territory shall continue to be vested in such person or persons and shall be exercised in such manner and through such agency or agencies as the President of the United States may direct or authorize.

SEC. 2. There are hereby authorized to be appropriated such sums, not in excess of \$7,500,000 per year, as may be necessary to carry out the provisions of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REVISED ORGANIC ACT OF THE VIRGIN ISLANDS

JULY 9, 1954.—Ordered to be printed

Mr. D'EWART, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 3378]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3378) to revise the Organic Act of the Virgin Islands of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows:

In lieu of the matter inserted by the House amendment insert the following: *That this Act may be cited as the "Revised Organic Act of the Virgin Islands"*.

SEC. 2. (a) *The provisions of this Act, and the name "Virgin Islands" as used in this Act, shall apply to and include the territorial domain, islands, cays, and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. 1706). The Virgin Islands as above described are hereby declared an unincorporated territory of the United States of America.*

(b) *The government of the Virgin Islands shall have the powers set forth in this Act and shall have the right to sue by such name and in cases arising out of contract, to be sued: Provided, That no tort action shall be brought against the government of the Virgin Islands or against any officer or employee thereof in his official capacity without the consent of the legislature constituted by this Act.*

The capital and seat of government of the Virgin Islands shall be located at the city of Charlotte Amalie, in the island of Saint Thomas.

BILL OF RIGHTS

SEC. 3. No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to any person therein equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to be represented by counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence against himself; nor shall any person sit as judge or magistrate in any case in which he has been engaged as attorney or prosecutor.

All persons shall be bailable by sufficient sureties in the case of criminal offenses, except for first-degree murder or any capital offense when the proof is evident or the presumption great.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned or shall suffer forced labor for debt.

All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

No ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken for public use except upon payment of just compensation ascertained in the manner provided by law.

The right to be secure against unreasonable searches and seizures shall not be violated.

No warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Slavery shall not exist in the Virgin Islands.

Involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted by a court of law, shall not exist in the Virgin Islands.

No law shall be passed abridging the freedom of speech or of the press or the right of the people peaceably to assemble and petition the government for the redress of grievances.

No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof.

No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of the Virgin Islands or of the United States shall be qualified to hold any office of trust or profit under the government of the Virgin Islands.

No money shall be paid out of the Virgin Islands treasury except in accordance with an Act of Congress or money bill of the legislature and on warrant drawn by the proper officer.

The contracting of polygamous or plural marriages is prohibited.

The employment of children under the age of sixteen years in any occupation injurious to health or morals or hazardous to life or limb is prohibited.

Nothing contained in this Act shall be construed to limit the power of the legislature herein provided to enact laws for the protection of life, the public health, or the public safety.

FRANCHISE

SEC. 4. The franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, twenty-one years of age or over. Additional qualifications may be prescribed by the legislature: Provided, however, That no property, language, or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

LEGISLATIVE BRANCH

SEC. 5. (a) The legislative power and authority of the Virgin Islands shall be vested in a legislature, consisting of one house, to be designated the "Legislature of the Virgin Islands", herein referred to as the legislature.

(b) The legislature shall be composed of eleven members to be known as senators. The Virgin Islands shall be divided into three legislative districts, as follows: The District of Saint Thomas, comprising Saint Thomas, Hassel, Water, Savana, Inner Brass, Outer Brass, Hans Lollik, Little Hans Lollik, Great Saint James, Little Saint James, and Capella Islands, Thatch Cay and adjacent islets and cays; the District of Saint Croix, comprising Saint Croix and Buck Islands and adjacent islets and cays; and the District of Saint John, comprising Saint John and Flanagan Islands, Grass, Mingo, Lovango, and Congo cays and adjacent islets and cays. Two senators shall be elected by the qualified electors of the District of Saint Thomas; two senators shall be elected by the qualified electors of the District of Saint Croix; and one senator shall be elected by the qualified electors of the District of Saint John. The other six senators shall be senators at large and shall be elected by the qualified electors of the Virgin Islands from the Virgin Islands as a whole: Provided, That in the election of senators at large, each elector shall be entitled to vote for two candidates, and the candidates receiving the largest number of votes shall be declared elected up to the number to be elected at that election. The order of names upon the ballot for each office shall be determined by lot among the candidates: Provided, That the Government Secretary or his designee is authorized to draw for a candidate who does not appear in person, or by authorized representative, at the drawing of lots.

SEC. 6. (a) The term of office of each member of the legislature shall be two years. The term of office of each member shall commence on the second Monday in April following his election: Provided, however, That the term of office of each member elected in November 1954 shall commence on the second Monday in January 1955 and shall continue until the second Monday in April 1957.

(b) No person shall be eligible to be a member of the legislature who is not a citizen of the United States, who has not attained the age of twenty-five years, who is not a qualified voter in the Virgin Islands, who has not been a bona fide resident of the Virgin Islands for at least three years next preceding the date of his election, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights. Federal employees and persons em-

ployed in the legislative, executive or judicial branches of the government of the Virgin Islands shall not be eligible for membership in the legislature.

(c) All officers and employees charged with the duty of directing the administration of the electoral system of the Virgin Islands and its representative districts shall be appointed in such manner as the legislature may by law direct.

(d) No member of the legislature shall be held to answer before any tribunal other than the legislature for any speech or debate in the legislature and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature and in going to and returning from the same.

(e) Each member of the legislature shall be paid the sum of \$600 annually, one-third on the second Monday in April, one-third on the second Monday in May, and one-third at the close of the regular session: Provided, however, That each member of the legislature shall be paid for the regular session commencing on the second Monday in January 1955, the sum of \$600 annually, one-third on the second Monday in January, one-third on the second Monday in February, and one-third at the close of that session. Each member of the legislature who is away from the island of his residence shall also receive the sum of \$10 per day for each day's attendance while the legislature is actually in session, in lieu of his expenses for subsistence, and shall be reimbursed for his actual travel expenses in going to and returning from each session, or period thereof, for not to exceed a total of eight round trips during any calendar year. The salaries, per diem, and travel allowances of the members of the legislature shall be paid by the Government of the United States.

(f) No member of the legislature shall hold or be appointed to any office which has been created by the legislature, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, or during one year after the expiration of such term.

(g) The legislature shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes, inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpoena to witnesses and other parties concerned, and administer oaths. The rules of the Legislative Assembly of the Virgin Islands existing on the date of approval of this Act shall continue in force and effect for sessions of the legislature, except as inconsistent with this Act, until altered, amended, or repealed by the legislature.

(h) The Governor of the Virgin Islands shall fill any vacancy in the office of a member of the legislature by appointment. If the vacant office is that of a senator from a district, the person appointed shall be a resident of the district from which the member whose office is vacant was elected. If the vacant office is that of a senator at large the person appointed may be a resident of any part of the Virgin Islands. In any case, the person appointed shall serve for the remainder of the unexpired term.

SEC. 7. (a) Regular sessions of the legislature shall be held annually, commencing on the second Monday in April, and shall continue in regular session for not more than sixty consecutive calendar days in any calendar years: Provided, however, That the annual session for 1955 shall commence on the second Monday in January 1955, and shall continue in regular session for not more than sixty consecutive calendar days. The Governor may call special sessions of the legislature at any time when in his opinion the public interests may require it, but no

special session shall continue longer than fifteen calendar days, and the aggregate of such special sessions during any calendar year shall not exceed thirty calendar days. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session.

(b) Sessions of the legislature shall be held in the capital of the Virgin Islands at Charlotte Amalie, Saint Thomas.

SEC. 8. (a) The legislative authority and power of the Virgin Islands shall extend to all subjects of local application not inconsistent with this Act or the laws of the United States made applicable to the Virgin Islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty or international agreement entered into by the United States, nor shall the lands or other property of non-residents be taxed at a higher rate than the lands or other property of residents.

(b) The legislature of the government of the Virgin Islands may cause to be issued on behalf of said government bonds or other obligations for a specific public improvement or specific public undertaking authorized by an act of the legislature, which bonds or obligations shall be payable solely from the revenues directly derived from and attributable to such specific public improvement or public undertaking. The total amount of such revenue bonds which may be issued and outstanding for all such improvements or undertakings at any one time shall not be in excess of \$10,000,000. Bonds issued pursuant to this subsection may bear such date or dates, may be in such denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner as shall be prescribed by the government of the Virgin Islands. Said bonds shall be sold at public sale and shall be redeemable after five years without premium. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signature, whether manual or facsimile shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate not to exceed 5 per centum per annum, payable semi-annually. All such bonds shall be sold for not less than the principal amount thereof plus accrued interest. All such bonds issued by the government of the Virgin Islands or by its authority shall be exempt as to principal and interest from taxation by the Government of the United States, or by the government of the Virgin Islands, or by any State, Territory, or possession or by any political subdivision of any State, Territory, or possession, or by the District of Columbia. Such bonds shall under no circumstances constitute a general obligation of the Virgin Islands or of the United States. The legislature shall have no power to incur any indebtedness which may be a general obligation of said government.

(c) The laws of the United States applicable to the Virgin Islands on the date of approval of this Act, including laws made applicable to the Virgin Islands by or pursuant to the provisions of the Act of June 22, 1936 (49 Stat. 1807), and all local laws and ordinances in force in the Virgin Islands, or any part thereof, on the date of approval of this Act shall, to the extent they are not inconsistent with this Act, continue in force and

effect until otherwise provided by the Congress: *Provided, That the legislature shall have power, when within its jurisdiction and not inconsistent with the other provisions of this Act, to amend, alter, modify, or repeal any local law or ordinance, public or private, civil or criminal, continued in force and effect by this Act, except as herein otherwise provided, and to enact new laws not inconsistent with any law of the United States applicable to the Virgin Islands, subject to the power of Congress to annul any such Act of the legislature.*

(d) *The President of the United States shall appoint a commission of seven persons, at least three of whom shall be residents of the Virgin Islands, to survey the field of Federal statutes and to make recommendations to the Congress within twelve months after the date of approval of this Act as to which statutes of the United States not applicable to the Virgin Islands on such date should be made applicable to the Virgin Islands, and as to which statutes of the United States applicable to the Virgin Islands on such date should be declared inapplicable. The members of the commission shall receive no salary for their service on the commission, but under regulations and in amounts prescribed by the Secretary of the Interior, they may be paid, out of Federal funds, reasonable per diem fees, and allowances in lieu of subsistence expenses, for attendance at meetings of the commission, and for time spent on official business of the commission, and their necessary travel expenses to and from meetings or when upon such official business, without regard to the Travel Expense Act of 1949.*

(e) *The Secretary of the Interior shall arrange for the preparation, at Federal expense, of a code of laws of the Virgin Islands, to be entitled the "Virgin Islands Code", which shall be a consolidation, codification and revision of the local laws and ordinances in force in the Virgin Islands. When prepared, the Governor shall submit it, together with his recommendations, to the legislature for enactment. Upon the enactment of the Virgin Islands Code it and any supplements to it shall be printed, at Federal expense, by the Government Printing Office as a public document.*

SEC. 9. (a) *The quorum of the legislature shall consist of seven of its members. No bill shall become a law unless it shall have been passed at a meeting, at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.*

(b) *The enacting clause of all acts shall be as follows: "Be it enacted by the Legislature of the Virgin Islands".*

(c) *The Governor shall submit at the opening of each regular session of the legislature a message on the state of the Virgin Islands and a budget of estimated receipts and expenditures, which shall be the basis of the appropriation bills for the ensuing fiscal year, which shall commence on the first day of July.*

(d) *Every bill passed by the legislature shall, before it becomes a law, be presented to the Governor. If the Governor approves the bill, he shall sign it. If the Governor disapproves the bill, he shall, except as herein-after provided, return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him. If the Governor does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him;*

otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature agree to pass the bill, it shall be presented anew to the Governor. If he then approves it, he shall sign it; if not, he shall within ten days after it has been presented to him transmit it to the President of the United States. If the President approves the bill, he shall sign it. If he disapproves the bill, he shall return it to the Governor, so stating, and it shall not be a law. If the President neither approves nor disapproves the bill within ninety days from the date on which it is transmitted to him by the Governor, the bill shall be a law in like manner as if the President had signed it. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect.

(e) If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payment of the obligations and necessary current expenses of the Government of the Virgin Islands for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item.

(f) The legislature shall keep a journal of its proceedings and publish the same. Every bill passed by the legislature and the yeas and nays on any question shall be entered on the journal.

(g) Copies of all laws enacted by the legislature shall be transmitted within fifteen days of their enactment by the Governor to the Secretary of the Interior and by him annually to the Congress of the United States.

SEC. 10. The next general election in the Virgin Islands shall be held on November 2, 1954. At such time there shall be chosen the entire membership of the legislature as herein provided. Thereafter the general elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1956, and every two years thereafter. The Municipal Council of Saint Thomas and Saint John, and the Municipal Council of Saint Croix, existing on the date of approval of this Act, shall continue to function until January 10, 1955, at which time all of the functions, property, personnel, records, and unexpended balances of appropriations and funds of the governments of the municipality of Saint Thomas and Saint John and the municipality of Saint Croix shall be transferred to the government of the Virgin Islands.

EXECUTIVE BRANCH

SEC. 11. The executive power of the Virgin Islands shall be vested in an executive officer whose official title shall be the "Governor of the Virgin Islands", and shall be exercised under the supervision of the Secretary of the Interior. The Governor of the Virgin Islands shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President and until his successor is chosen and qualified. The Governor shall maintain his official residence

in the Government House of Saint Thomas during his official incumbency, free of rent, and while in Saint Croix may reside in Government House on Saint Croix free of rent. He shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and may grant respites for all offenses against the laws of the United States applicable in the Virgin Islands until the decision of the President can be ascertained. He may veto any legislation as provided in this Act. He shall appoint all officers and employes of the executive branch of the Government of the Virgin Islands, except as otherwise provided in this or any other Act of Congress, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Virgin Islands and the laws of the United States applicable in the Virgin Islands. Whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia, to prevent or suppress violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the islands, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon made known. He shall annually, and at such other times as the President or the Congress may require, make official report of the transactions of the government of the Virgin Islands to the Secretary of the Interior, and his said annual report shall be transmitted to the Congress. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President, or by the Secretary of the Interior. He shall have the power to issue executive regulations not in conflict with any applicable law. He may attend or may designate another person to represent him at the meetings of the legislature, may give expressions to his views on any matter before that body, and may recommend bills to the legislature.

SEC. 12. The President shall appoint a Government Secretary for the Virgin Islands. He shall have custody of the seal of the Virgin Islands and shall countersign and affix such seal to all executive proclamations and all other executive documents. He shall record and preserve the laws enacted by the legislature. He shall promulgate all proclamations and orders of the Governor and all laws enacted by the legislature. He shall have such executive powers and perform such other duties as may be assigned to him by the Governor.

SEC. 13. The Governor may appoint an administrative assistant who shall reside in Saint Croix and an administrative assistant who shall reside in Saint John. These administrative assistants shall perform such duties as may be assigned to them by the Governor. In making such appointments, preference shall be given to qualified residents of the Virgin Islands.

SEC. 14. In case of a vacancy in the office of Governor or the disability or temporary absence of the Governor, the Government Secretary shall have all the powers of the Governor.

SEC. 15. The Secretary of the Interior may from time to time designate the head of an executive department of the government of the Virgin Islands to act as Governor in the case of a vacancy in the offices, or the disability

or temporary absence, of both the Governor and the Government Secretary, and the person so designated shall have all the powers of the Governor for so long as such condition continues.

SEC. 16. (a) The Governor shall, within one year after the date of approval of this Act, reorganize and consolidate the existing executive departments, bureaus, independent boards, agencies, authorities, commissions, and other instrumentalities of the government of the Virgin Islands or of the municipal governments into not more than nine executive departments except for independent bodies whose existence may be required by Federal law for participation in Federal programs. The head of each executive department shall be designated as the Commissioner thereof, and the Commissioner of Finance shall be bonded. No other department, bureau, independent board, agency, authority, commission, or other instrumentality shall be created, organized, or established by the Governor or the legislature, without the prior approval of the Secretary of the Interior, unless required by Federal law for participation in Federal programs.

(b) The Governor shall, from time to time, after complying with the provisions of subsection (a) of this section, examine the organization of the executive branch of the government of the Virgin Islands, and shall make such changes therein, subject to the approval of the legislature, not inconsistent with this Act, as he determines are necessary to promote effective management and to execute faithfully the purposes of this Act and the laws of the Virgin Islands.

(c) The heads of the executive departments created by this Act shall be appointed by the Governor, with the advice and consent of the legislature. Each shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is appointed and qualified, unless sooner removed by the Governor. Each shall have such powers and duties as may be prescribed by the legislature.

SEC. 17. (a) The Secretary of the Interior shall appoint a government comptroller who shall receive a salary of not to exceed \$12,500 per annum. The government comptroller shall hold office for a term of ten years and until his successor is appointed and qualified unless sooner removed by the Secretary of the Interior for cause. The government comptroller shall not be eligible for reappointment.

(b) The government comptroller shall audit and settle all accounts and claims pertaining to the revenues and receipts from whatever source of the government of the Virgin Islands and of funds derived from bond issues; and he shall audit and settle, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands including those pertaining to trust funds held by the government of the Virgin Islands.

(c) It shall be the duty of the government comptroller to bring to the attention of the proper administrative officer failures to collect amounts due the government, and expenditures of funds or property which in his opinion are extravagant, excessive, unnecessary, or irregular.

(d) It shall be the duty of the government comptroller to certify to the Secretary of the Interior the net amount of government revenues which form the basis for Federal grants for the civil government of the Virgin Islands.

(e) The decisions of the government comptroller shall be final except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year from the date of the decision, to the Governor, which appeal shall be in writing and shall specifically

set forth the particular action of the government comptroller to which exception is taken with the reasons and the authorities relied upon for reversing such decision.

(f) If the Governor confirms the decision of the government comptroller, then relief may be sought by appeal to the legislature or suit in the District Court of the Virgin Islands if the claim is otherwise within its jurisdiction.

(g) The government comptroller is authorized to communicate directly with any person having claims before him for settlement, or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

(h) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of the Virgin Islands an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government.

(i) The government comptroller shall make such other reports as may be required by the Governor of the Virgin Islands, the Comptroller General of the United States, or the Secretary of the Interior.

(j) The office of the government comptroller shall be under the general supervision of the Secretary of the Interior, but shall not be a part of any executive department in the government of the Virgin Islands.

SYSTEM OF ACCOUNTS

SEC. 18. The Governor shall establish and maintain systems of accounting and internal control designed to provide—

(a) full disclosure of the financial results of the government's activities;

(b) adequate financial information needed for the government's management purposes;

(c) effective control over and accountability for all funds, property, and other assets for which the government is responsible, including appropriate internal audit; and

(d) reliable accounting results to serve as the basis for preparation and support of the government's request for the approval of the President or his designated representative for the obligation and expenditure of the internal revenue collections as provided in section 26, the Governor's budget request to the legislature, and for controlling the execution of the said budget.

SEC. 19. The office and activities of the Government Comptroller of the Virgin Islands shall be subject to review annually by the Comptroller General of the United States, and report thereon shall be made by him to the Governor, the Secretary of the Interior, and to the Congress.

SEC. 20. (a) The Governor shall receive an annual salary at the rate provided for Governors of Territories and possessions in the Executive Pay Act of 1949.

(b) The Government Secretary, the heads of the executive departments, and the members of the immediate staffs of the Governor and the Government Secretary, shall receive annual salaries at rates established by the Secretary of the Interior in accordance with the standards provided in the Classification Act of 1949.

(c) The salaries of the Governor, the Government Secretary, and the members of their immediate staffs shall be paid by the United States. The salaries of the government comptroller and the heads of the executive

departments shall be paid by the government of the Virgin Islands; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor.

JUDICIAL BRANCH

SEC. 21. The judicial power of the Virgin Islands shall be vested in a court of record to be designated the "District Court of the Virgin Islands", and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by local law.

SEC. 22. The District Court of the Virgin Islands shall have the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties and laws of the United States, regardless of the sum or value of the matter in controversy. It shall have general original jurisdiction in all other causes in the Virgin Islands, exclusive jurisdiction over which is not conferred by this Act upon the inferior courts of the Virgin Islands. When it is in the interest of justice to do so the district court may on motion of any party transfer to the district court any action or proceeding brought in an inferior court and the district court shall have jurisdiction to hear and determine such action or proceeding. The district court shall also have appellate jurisdiction to review the judgments and orders of the inferior courts of the Virgin Islands to the extent now or hereafter prescribed by local law.

SEC. 23. The inferior courts now or hereafter established by local law shall have exclusive original jurisdiction of all civil actions wherein the matter in controversy does not exceed the sum or value of \$500, exclusive of interest and costs, all criminal cases wherein the maximum punishment which may be imposed does not exceed a fine of \$100 or imprisonment for six months, or both, and all violations of police and executive regulations, and they shall have original jurisdiction, concurrently with the district court, of all actions, civil or criminal, jurisdiction of which may hereafter be conferred upon them by local law. Any action or proceeding brought in the district court which is within the jurisdiction of an inferior court may be transferred to such inferior court by the district court in the interest of justice. The inferior courts shall hold preliminary investigations in charges of felony and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction granted to the inferior courts by this section, and shall commit offenders to the district court and grant bail in bailable cases. The rules governing the practice and procedure of the inferior courts and prescribing the duties of the judges and officers thereof, oaths and bonds, the times and places of holding court, and the procedure for appeals to the district court shall be as may hereafter be established by the district court. The rules governing disposition of fines, costs and forfeitures, enforcement of judgments, and disposition and treatment of prisoners shall be as established by law or ordinance in force on the date of approval of this Act or as may hereafter be so established.

SEC. 24. The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of the Virgin Islands, who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The salary of the judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of

the business of the District Court the Chief Judge of the Third Judicial Circuit of the United States may assign a circuit or district judge of the Third Circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The compensation of the judge of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States. The Attorney General shall, as heretofore, appoint a marshal and one deputy marshal for the Virgin Islands to whose office the provisions of chapter 33 of title 28, United States Code, shall apply.

SEC. 25. The Virgin Islands consists of two judicial divisions; the Division of Saint Croix, comprising the island of Saint Croix and adjacent islands and cays and the Division of Saint Thomas and Saint John, comprising the islands of Saint Thomas and Saint John and adjacent islands and cays. The district court shall hold sessions in each division at such time as the court may designate by rule or order, at least once in three months in each division. The rules of practice and procedure heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of title 28, United States Code, in civil cases, section 2073 of title 28, United States Code, in admiralty cases, and section 30 of the Bankruptcy Act in bankruptcy cases, shall apply to the District Court of the Virgin Islands and to appeals therefrom. All offenses shall continue to be prosecuted in the District Court by information as heretofore except such as may be required by local law to be prosecuted by indictment by grand jury.

SEC. 26. In any criminal case originating in the district court, no person shall be denied the right to trial by jury on the demand of either party. If no jury is demanded the case shall be tried by the judge of the district court without a jury, except that the judge may, on his own motion, order a jury for the trial of any criminal action. The legislature may provide for trial in misdemeanor cases by a jury of six qualified persons.

SEC. 27. The President shall, by and with the advice and consent of the Senate, appoint a United States attorney for the Virgin Islands, who shall hold office for the term of four years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The United States attorney, by himself or the assistant United States attorney, shall conduct all legal proceedings, civil and criminal, to which the Government of the United States or the government of the Virgin Islands is a party in the District Court of the Virgin Islands and in the inferior courts of the Virgin Islands. Offenses against the laws of the Virgin Islands shall be prosecuted in the name of the government of the Virgin Islands. The United States attorney shall perform his duties under the supervision and direction of the Attorney General of the United States. The Attorney General may appoint one assistant United States attorney. The Attorney General may authorize the employment of necessary clerical assistants. The compensation of the district attorney and his assistant and employees shall be fixed by the Attorney General and their salaries and the other necessary expenses of the office shall be paid from appropriations made to the Department of Justice. In the case of a vacancy in the office of the district attorney, the District Court of the Virgin Islands may appoint a district attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.

FISCAL PROVISIONS

SEC. 28. (a) *The proceeds of customs duties, the proceeds of the United States income tax, the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and the proceeds of all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands, less the cost of collecting all of said duties, taxes, and fees, shall be covered into the treasury of the Virgin Islands, and shall be available for expenditure as the Legislature of the Virgin Islands may provide: Provided, That the term "inhabitants of the Virgin Islands" as used in this section shall include all persons whose permanent residence is in the Virgin Islands, and such persons shall satisfy their income tax obligations under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands: Provided further, That nothing in this Act shall be construed to apply to any tax specified in section 3811 of the Internal Revenue Code.*

(b) *Subchapter B of chapter 28 of the Internal Revenue Code is amended by adding to section 3350 thereof the following subsection:*

"(c) DISPOSITION OF INTERNAL REVENUE COLLECTIONS.—Beginning with the fiscal year ending June 30, 1954, and annually thereafter, the Secretary of the Treasury shall determine the amount of all taxes imposed by, and collected during the fiscal year under, the internal revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States. The amount so determined less 1 per centum and less the estimated amount of refunds or credits shall be subject to disposition as follows:

"(i) There shall be transferred and paid over to the government of the Virgin Islands from the amounts so determined a sum equal to the total amount of the revenue collected by the government of the Virgin Islands during the fiscal year, as certified by the Government Comptroller of the Virgin Islands. The moneys so transferred and paid over shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as the legislature may determine: Provided, That the approval of the President or his designated representative shall be obtained before such moneys may be obligated or expended.

"(ii) There shall also be transferred and paid over to the government of the Virgin Islands during each of the fiscal years ending June 30, 1955, and June 30, 1956, the sum of \$1,000,000, or the balance of the internal revenue collections available under this subsection (c) after payments are made under the preceding paragraph (i), whichever amount is greater. The moneys so transferred and paid over shall be deposited in the separate fund established by the preceding paragraph (i), but shall be obligated or expended for emergency purposes and essential public projects only, with the prior approval of the President or his designated representative.

"(iii) Any amounts remaining shall be deposited in the Treasury of the United States as miscellaneous receipts.

"If at the end of any fiscal year the total of the Federal contribution made under (i) above at the beginning of that fiscal year has not been obligated or expended for an approved purpose, the balance shall continue available for expenditure during any succeeding fiscal year, but only for approved emergency relief purposes and essential public projects as provided in (ii) above. The aggregate amount of moneys available

for expenditure for emergency relief purposes and essential public projects only, including payments under (ii) above, shall not exceed the sum of \$5,000,000 at the end of any fiscal year. Any unobligated or unexpended balance of the Federal contribution remaining at the end of a fiscal year which would cause the moneys available for emergency relief purposes and essential public projects only to exceed the sum of \$5,000,000 shall thereupon be transferred and paid over to the Treasury of the United States as miscellaneous receipts."

(c) Section 42 of the Trade Mark Act of 1946 (60 Stat. 440, 15 U. S. C., 1952 edition, sec. 1124), and section 526 of the Tariff Act of 1930 (46 Stat. 741, 19 U. S. C., 1952 edition, sec. 1526), shall not apply to importations into the Virgin Islands of genuine foreign merchandise bearing a genuine foreign trade-mark, but shall remain applicable to importations of such merchandise from the Virgin Islands into the United States or its possessions; and the dealing in or possession of any such merchandise in the Virgin Islands shall not constitute a violation of any registrant's right under said Trade Mark Act.

(d) There shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the Virgin Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries, and the internal revenue taxes imposed by section 3350 of title 26, United States Code: Provided, That all articles, the growth or product of, or manufactured in, such islands, from materials grown or produced in such islands or in the United States, or both, or which do not contain foreign materials to the value of more than 50 per centum of their total value, upon which no drawback of custom duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. In determining whether such a Virgin Islands article contains foreign material to the value of more than 50 per centum, no material shall be considered foreign which, at the time the Virgin Islands article is entered, or withdrawn from warehouse, for consumption, may be imported into the continental United States free of duty generally.

MISCELLANEOUS PROVISIONS

SEC. 29. All officials of the government of the Virgin Islands shall be citizens of the United States. Every member of the Legislature of the Virgin Islands and all officers and employees of the government of the Virgin Islands shall before entering upon the duties of their respective offices, or, in the case of persons in the employ of the government of the Virgin Islands on the effective date of this Act, then within sixty days of the effective date thereof, make a written statement in the following form:

"I, -----, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution and laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands, and that I will discharge the duties of ----- with fidelity.

"And I do further swear (or affirm) that I do not advocate, nor am I knowingly a member of any organization that advocates, the overthrow of the Government of the United States or of the Virgin Islands by force or violence or other unconstitutional means, or seeking by force or violence to deny other persons their rights under the Constitution and laws of the United States applicable to the Virgin Islands or the laws of the Virgin Islands.

"And I do further swear (or affirm) that I will not so advocate nor will I knowingly become a member of such organization during the period that I am an employee of the Virgin Islands."

SEC. 30. All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is hereby authorized to place all matters pertaining to the government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to the judicial branch of said government which on the date of approval of this Act are under the supervision of the Director of the Administrative Office of the United States Courts, and the matters relating to the United States Attorney and the United States Marshal which on the date of approval of this Act are under the supervision of the Attorney General.

SEC. 31. (a) The Secretary of the Interior shall be authorized to lease or to sell upon such terms as he may deem advantageous to the Government of the United States any property of the United States under his administrative supervision in the Virgin Islands not needed for public purposes.

(b) The government of the Virgin Islands shall continue to have control over all public property that is under its control on the date of approval of this Act.

SEC. 32. Section 6 of the Act of August 30, 1890 (26 Stat. 414, 416), as amended (21 U. S. C., 1946 edition, sec. 104) is further amended by inserting the words "and the admission into the Virgin Islands" immediately following the word "Texas", so that such section will read as follows:

"The importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is prohibited: Provided, That the Secretary of Agriculture, within his discretion and under such regulations as he may prescribe, is authorized to permit the admission from Mexico into the State of Texas and the admission into the Virgin Islands of cattle which have been infested with or exposed to ticks upon being freed therefrom. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding three years, and any vessel or vehicle used in such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States."

SEC. 33. Section 2 of the Act of February 2, 1903 (32 Stat. 791, 792), as amended (21 U. S. C., 1946 edition, sec. 111), is hereby further amended by striking out the period and adding at the end thereof the following: *"Provided, That no such regulations or measures shall pertain to the introduction of live poultry into the Virgin Islands of the United States."*

SEC. 34. This Act shall take effect upon its approval, but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the incumbents of all offices under the government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority. The enactment of this Act shall not affect the term of office of the judge of the District Court of the Virgin Islands in office on the date of its enactment.

SEC. 35. There are hereby authorized to be appropriated annually by the Congress of the United States such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act.

SEC. 36. If any clause, sentence, paragraph, or part of this Act, or the application thereof to any person, or circumstances, is held invalid, the application thereof to other persons, or circumstances, and the remainder of the Act, shall not be affected thereby.

And the House agree to the same.

WESLEY A. D'EWARD,
JOHN P. SAYLOR,
E. Y. BERRY,
CLAIR ENGLE,
LLOYD M. BENTSEN, Jr.,
Managers on the Part of the House.

GUY CORDON,
ARTHUR V. WATKINS,
THOMAS H. KUCHEL,
HENRY M. JACKSON,
RUSSELL B. LONG,
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to S. 3378, revising the Organic Act of the Virgin Islands of the United States, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

Section 1 provides that the act may be cited as the "Revised Organic Act of the Virgin Islands."

Section 2, in subsection (a), provides that the act shall apply to the Virgin Islands, defines the term "Virgin Islands" and describes the Virgin Islands as an unincorporated territory of the United States. Subsection (b) provides that the government of the Virgin Islands may sue, in cases arising out of contract, and except for a tort action in connection with which the legislature has not given its consent, be sued. It also provides that the capital of the Virgin Islands shall be at Charlotte Amalie, St. Thomas.

Section 3 provides a bill of rights which is in considerable extent similar to the Bill of Rights of the United States Constitution and parallels the bill of rights, in somewhat different order, contained in the existing Virgin Islands Organic Act. The Senate provision, providing that no person who advocates or who aids or belongs to any party, organization, or association which advocates the overthrow by force or violence of the government of the Virgin Islands or of the United States, shall be qualified to hold any office of trust or profit under the government of the Virgin Islands, was agreed to.

Section 4 provides that the franchise shall be vested in Virgin Islands residents who are American citizens. It further provides that the legislature may prescribe additional qualifications but that no property, language, or income qualifications shall be imposed and that no discrimination shall be based upon race, color, sex, or religious belief. The Senate conferees agreed to the inclusion of language as one of the qualifications that shall not be imposed on voters.

Section 5 vests legislative power and authority in the Legislature of the Virgin Islands, provides for the division of the islands into legislative districts, and for the election of 5 senators therefrom and for 6 senators at large. The Senate conferees agreed to the designation of members of the legislature as senators instead of as representatives and also receded from their earlier stipulation that candidates' names should appear alphabetically on the first 500 ballots printed and thereafter be alternated on each succeeding group of 500 ballots. Instead, they agreed to the House provision that such order on the ballot shall be determined by lot among the candidates. The House conferees receded to the Senate's demands that in the election of senators at large, each elector shall be entitled to vote for 2 candidates instead of the originally proposed 4.

Section 6, in subsection (a), provides 2-year terms of office for each senator commencing on the second Monday in April following his

election. The conferees agreed to the House proposal that the term of office of each senator elected in November 1954 shall commence on the second Monday in January 1955 and shall continue until the second Monday in April 1957. Subsection (b) prescribes eligibility of requirements for senators; subsection (c) provides that persons directing the administration of the electoral system shall be appointed as the legislature directs. Subsection (d) provides for legislative immunity; subsection (e) provides for payments to the senators of \$600 annually as follows: One-third on the second Monday in April, one-third on the second Monday in May, and one-third at the close of the regular session. It further provides, however, that since the next regular session commences on the second Monday in January 1955, one-third of the annual sum will be paid on the second Monday in January, one-third on the second Monday in February, and one-third at the close of that session. The Senate agreed to the House provision that travel expenses for not to exceed a total of eight round trips in going to and returning from each session of the legislature, or period thereof, shall be paid by the Government of the United States, as will salaries and per diem of members of the legislature; subsection (f) limits the positions which senators may hold or to which they may be appointed; subsection (g) sets forth certain legislative powers; and subsection (h) provides that the Governor of the Virgin Islands shall fill vacancies in the legislature. In this instance the conferees adopted the Senate proposal that the Governor instead of the judge of the district court should make such appointments.

Section 7 provides for regular sessions of 60 days per annum, commencing on the second Monday in April. It was agreed that the annual session for 1955 shall commence on the second Monday in January. This section also empowers the Governor to call special sessions of the legislature but provides that no such session shall continue longer than 15 calendar days nor shall the aggregate of such special sessions during any calendar year exceed 30 calendar days.

Section 8, in subsection (a), describes the extent of the legislature's power and stipulates that lands and other property of nonresidents may not be taxed at a higher rate than the lands or other property of residents. It further provides that public indebtedness of the Virgin Islands shall be limited to 10 percent of the aggregate tax valuation of the property in the Virgin Islands. Subsection (b) authorizes the issuance of revenue bonds for public improvements, subject to certain limitations specified therein. Subsection (c) provides that the laws of the United States applicable to the Virgin Islands and local laws and ordinances in force in the Virgin Islands or any part thereof on the date of the approval of this act, shall continue to apply. Subsection (d) provides for the appointment of a seven-man commission to make recommendations to the Congress with regard to the application of Federal laws to the Virgin Islands. Subsection (e) provides for the codification of Virgin Islands laws at Federal expense.

Section 9, subsection (a), prescribes the quorum of the legislature; subsection (b) prescribes the enacting clause of the acts of the legislature. Subsection (c) provides for the Governor's message to the legislature on the state of the Virgin Islands and for the presentation of the annual financial budget for the fiscal year commencing on the 1st day of July. Subsection (d) sets forth the procedures for executive approval of legislative measures, provides for the Governor's veto,

and, in certain circumstances, for the President's consideration of the bills which the Governor has vetoed. Subsection (e) provides that if the legislature fails to pass certain appropriation bills, the sums appropriated in the last preceding appropriation bills shall be deemed to be reappropriated. Subsection (f) provides that a journal of legislative proceedings shall be kept and published. Subsection (g) provides for the transmission within 15 days of the laws enacted by the legislature to the Secretary of the Interior and subsequently to the Congress of the United States.

Section 10 provides for general elections every 2 years. The first election shall be held on November 2, 1954, and thereafter on the first Tuesday after the first Monday in November, beginning with the year 1956. It further provides that the functions and records of the Municipal Councils of St. Thomas and St. John and of St. Croix shall be transferred to the government of the Virgin Islands.

Section 11 vests executive power in the Governor of the Virgin Islands, who will be appointed by the President and exercise his powers under the supervision of the Secretary of the Interior. The Governor shall reside in the Government House on St. Thomas during his official incumbency, free of rent, and while in St. Croix may reside in the Government House there, free of rent. These rent-free stipulations were agreed to at the request of the Senate conferees. This section also defines the functions and powers of the Governor and provides that, except as otherwise expressly stated, he shall appoint all officers and employees of the executive branch of the government of the Virgin Islands.

Section 12 provides for the appointment of a Government Secretary for the Virgin Islands and describes his primary functions. The House conferees receded from their original provision to require the Government Secretary to reside in St. Croix during his official incumbency and to serve as Administrator of St. Croix without additional compensation.

Section 13 is a new section which provides for the appointment of an administrative assistant for each of the islands of St. Croix and St. John. It specifies that, in making such appointments, preference shall be given to qualified residents of the Virgin Islands. This section was added in response to a general feeling that the Governor should have a personal representative on each of the major outlying islands.

Section 14 combines sections 13 and 14 of the House bill and provides that in the event of disability or temporary absence of the Governor, the Government Secretary shall have all the powers of the Governor.

Section 15 provides that in the event of disability or temporary absence of the Governor and the Government Secretary, the Secretary of the Interior may designate the head of an executive department of the government of the Virgin Islands to act in their stead.

Section 16, in subsection (a), provides that within a year after this act becomes effective the Governor shall reorganize and consolidate the executive branch of the Virgin Islands into not more than nine executive departments and generally prohibits the creation of additional executive departments. The Senate conferees receded to the House request that these executive departments include the following: A department of finance, the head of which shall be designated

the commissioner of finance; a department of public works, the head of which shall be designated as the commissioner of public works; a department of education, the head of which shall be designated as the commissioner of education; a department of travel, commerce and industry, the head of which shall be designated the commissioner of travel, commerce and industry; a department of health and welfare, the head of which shall be designated as the commissioner of health and welfare; a department of agriculture and labor, the head of which shall be designated as the commissioner of agriculture and labor; and the department of public safety, the head of which shall be designated as the commissioner of public safety. Subsection (b) provides that after the reorganization of the executive branch, the Governor shall, from time to time, examine the executive branch of the government of the Virgin Islands and subject to the approval of the legislature make such changes, not inconsistent with this act, as are necessary. Subsection (c) provides for the appointment of the heads of the executive departments by the Governor with the advice and consent of the legislature.

Section 17, in subsection (a), provides for the appointment by the Secretary of the Interior of a government comptroller to hold office for a term of 10 years unless sooner removed for cause. He shall receive not to exceed \$12,500 annually and shall not be eligible for reappointment. Subsections (b) through (d) describe the powers and duties of the government comptroller. Subsection (e) provides that the comptroller's decisions shall be final except for an appeal to the Governor and subsection (f) provides a further appeal to the District Court of the Virgin Islands. Subsection (g) provides that the government comptroller may communicate directly with persons having claims or business with him and that he may summon witnesses and administer oaths. Subsections (h) and (i) provide for reports by the government comptroller; and subsection (j) provides that the comptroller's office shall be under the supervision of the Secretary of the Interior and shall not be a part of any executive department in the government of the Virgin Islands.

Section 18: The House conferees agreed to accept the systems of accounting and internal control proposed by the Senate conferees. These systems must meet certain standards specified therein.

Section 19 provides for the annual review by the Comptroller General of the United States of the office and activities of the government comptroller, with a report thereon to be submitted by the former to the Governor, the Secretary of the Interior, and to the Congress.

Section 20, in subsection (a), provides a salary for the Governor in accordance with existing law; subsection (b) provides for the establishment by the Secretary of the Interior of rates of salaries for others in the executive branch of the Virgin Islands; and in subsection (c) provides for the payment of the salaries of the Governor, the Government Secretary and members of their immediate staffs, by the United States, and those of the government comptroller and the heads of the executive departments by the government of the Virgin Islands.

Section 21 vests the judicial powers of the Virgin Islands in the District Court of the Virgin Islands and in inferior courts created by local law.

Section 22 provides that the District Court of the Virgin Islands shall have the jurisdiction of a district court in the United States, as

well as certain local jurisdiction, both original and appellate. The House conferees agreed to the Senate proposal that certain suggestions made by the Honorable Albert B. Maris of the Third Circuit Court be accepted. These suggestions include the stipulation that the District Court of the Virgin Islands shall have jurisdiction over all causes arising under the Constitution, treaties, and laws of the United States regardless of the sum or value of the matter in controversy. The House also agreed to the Senate's request to accept the provision that, when it is in the interest of justice to do so, the district court may, on motion of any party, transfer to the district court any action or proceeding brought in an inferior court and the district court shall have jurisdiction to hear and determine such action or proceeding.

Section 23 provides that the inferior courts shall have jurisdiction concurrent with the district court of civil actions in which the matter in controversy does not exceed \$500 and in criminal cases in which the maximum punishment which might be imposed does not exceed a fine of \$500 or 6 months' imprisonment, or both. The House conferees agreed to accept the Senate's language, which provides that the inferior courts shall have original jurisdiction concurrently with the district court and that any action or proceeding brought in the district court, which is within the jurisdiction of an inferior court, may be transferred to such inferior court by the district court in the interest of justice.

Section 24 provides for the appointment by the President, with the consent of the Senate, of a judge for the District Court of the Virgin Islands to hold office for an 8-year term, and for the temporary assignment of judges of the District Court of the Virgin Islands by the chief judge of the Third Judicial Circuit of the United States. It also provides for the appointment of a marshal and a deputy marshal for the Virgin Islands by the Attorney General of the United States. It is the opinion of the conference committee that in times of emergency the marshal may appoint as many deputies as may be required. In the matter of the temporary assignment of judges to the District Court of the Virgin Islands, the House agreed to the Senate's proposal.

Section 25 provides for two judicial divisions and for the holding of sessions of the district court in both. Upon the suggestion of Judge Maris, both the Senate and the House amended this section from the floor to include the following provision:

The rules of practice and procedure heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of title 28, United States Code, in civil cases, section 2073 of title 28, United States Code, in admiralty cases, and section 30 of the Bankruptcy Act in bankruptcy cases, shall apply to the District Court of the Virgin Islands and to appeals therefrom. All offenses shall continue to be prosecuted in the District Court by information as heretofore except such as may be required by local law to be prosecuted by indictment by grand jury.

Section 26 guarantees the right to trial by jury in criminal actions to those who demand it.

Section 27 provides for the appointment by the President, with the consent of the Senate, of a United States district attorney and for the appointment by the Attorney General of an assistant district attorney of the United States. This section also outlines the duties of these officials.

Section 28, subsection (a), provides that the proceeds of customs duties, United States income taxes, other taxes levied by Congress

and certain other fees less the cost of collection shall be covered into the treasury of the Virgin Islands. Taxes collected in connection with the old-age and survivors' insurance program are specifically exempt. This section further provides that all persons whose permanent residence is in the Virgin Islands shall satisfy their United States income-tax obligations by paying their tax to the Virgin Islands regardless of their source of income. The conferees agreed to accept the wording of the House version that the term "inhabitants of the Virgin Islands" shall include all persons whose permanent residence is in the Virgin Islands in lieu of the Senate stipulation that "inhabitants of the Virgin Islands" shall include all citizens of the United States whose permanent residence is in the United States. Subsection (b) provides that the Secretary of the Treasury shall determine annually the amount of taxes collected under Federal internal revenue laws with respect to articles produced in the Virgin Islands and transported to the United States. From this amount, there shall be paid to the government of the Virgin Islands a sum equal to the amount of revenue collected during the same years by the government of the Virgin Islands. Such sum would be available for expenditure as the Territorial legislature, with the approval of the President, may determine. For the fiscal years 1955 and 1956, the remainder of the amount collected under the Federal internal revenue laws on Virgin Islands products sent to the United States, or the sum of \$1 million, whichever is greater, shall also be paid to the government of the Virgin Islands. Such sums shall be expended only for such emergency purposes or for such public projects as the President approves. If funds for such emergency purposes of public projects are not expended during the fiscal year, they remain available for subsequent expenditure, but they cannot exceed \$5 million at the end of any fiscal year. Subsection (c) provides that certain sections of the Trade Mark Act of 1946 and the Tariff Act of 1930 shall not apply to importations into the Virgin Islands of genuine foreign merchandise bearing a genuine foreign trade-mark but shall remain applicable to importations of such merchandise from the Virgin Islands into the United States or its possessions. It further provides that dealing in or possession of any such merchandise in the Virgin Islands shall not constitute a violation of any registrant's right under said Trade Mark Act. This revision, prepared jointly by officials from the Departments of Interior, Commerce, and Treasury, is in response to objections raised to the original version, and was agreed to by both legislative bodies.

Section 28 (d) provides that articles which are the growth, product, or manufacture of the Virgin Islands, or which do not contain more than 50 percent of their total value, may be admitted into the United States free from customs duty. Otherwise, such importations shall be subject to the rates of duty imposed by section 3350 of title 26, United States Code. This proposal was made by the Department of the Treasury.

Section 29 provides that officials of the government of the Virgin Islands shall be citizens of the United States and that they shall take the oath set forth in this section.

Section 30 provides generally that matters pertaining to the government of the Virgin Islands, except for the judiciary, shall be placed under the jurisdiction of the Secretary of the Interior. Upon the

suggestion of Judge Maris, the following statement was added to the end of the section:

and the matters relating to the United States attorney and the United States marshal, which on the date of the approval of this Act are under the supervision of the Attorney General.

Section 31 (a) authorizes the Secretary of the Interior to lease or sell property of the United States under his administrative supervision in the Virgin Islands. Subsection (b) provides that the government of the Virgin Islands shall have control over public property that is under its control on the date of enactment of the act.

Section 32 provides an amendment to the Animal Quarantine Act, so that cattle which have been infested with or exposed to ticks, but which are now free from them, may be admitted into the Virgin Islands, under such regulations as the Secretary of Agriculture may prescribe.

Section 33 amends a statute pertaining to poultry quarantine to provide that the Secretary of Agriculture cannot issue regulations or take measures with respect to the introduction of live poultry into the Virgin Islands.

Section 34 sets up an orderly procedure under which the provisions of this act shall supercede existing law.

Section 35 authorizes appropriations to carry out the purposes of this act. The House conferees agreed to this provision which authorizes these appropriations.

Section 36 provides that if any portion of this act is held invalid, the remainder shall not be affected thereby. This severability clause was included at the request of the Senate conferees.

WESLEY A. D'EWART,
JOHN P. SAYLOR,
E. Y. BERRY,
CLAIR ENGLE,
LLOYD M. BENTSEN, Jr.,
Managers on the Part of the House.



Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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For actions of July 12, 1954
83rd-2nd, No. 129

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HIGHLIGHTS: Senate committee reported bill to extend unemployment compensation to Federal employees. Senate committee ordered reported foreign aid bill. Sen. Johnston charged farm regimentation in extension work. House passed bill to amend Farm Tenant Act. House committee reported bills to authorize rotation of CCC stocks, consent to forest fire compact, and indemnify for certain losses from vesicular exanthema. Rep. Brown, Ga., urged addition of Secretary to National Advisory Council on International Monetary and Financial Problems. Rep. Dondero introduced omnibus flood control bill after committee approval.

SENATE

1. PERSONNEL. The Finance Committee reported without amendment H. R. 9709, to amend the unemployment-compensation program, including a provision extending it to Federal employees (S. Rept. 1794)(p. 9733).
Both Houses received from the Attorney General a proposed bill to amend 18 U. S. C. 284 regarding representational activities of former Federal employees; to Judiciary Committees (pp. 9732, 9806).
2. FOREIGN AID. The Foreign Relations Committee ordered reported with amendments H. R. 9678, authorizing foreign aid appropriations for the fiscal year 1955. The Committee agreed to amendments to end the FOA on June 30, 1955, to bring liquidation provisions of the act into effect on that date, to transfer the Technical Cooperation Program to the State Department, etc. (pp. D816-7.)
The Committee was authorized to report the bill during recess (p. 9770).
3. EXTENSION WORK. Sen. Johnston quoted from a Presidential speech favoring freedom for farmers, inserted a Wall Street Journal article on plans to strengthen extension work, and charged that these plans will regiment farmers (pp. 9737-9).
4. ELECTRIFICATION. Passed with amendments H. R. 7664, providing for development of Priest Rapids site on the Columbia River (pp. 9750-60). Rejected, 29-45, a Magnuson amendment to provide preference for rural cooperatives and others in securing electric power (pp. 9755-8).

received and
5. VIRGIN ISLANDS; ANIMAL QUARANTINE. Both Houses/agreed to the conference report on S. 3378, to revise the organic act of the Virgin Islands. The bill includes provisions to amend the Animal Quarantine Act so that cattle which have been infested with or exposed to ticks, but which are now free from them, may be admitted into the Virgin Islands, and to prohibit the Department from restricting introduction of live poultry into the Virgin Islands. (pp. 9766-7, 9806, 9779-86) This bill will now be sent to the President.

6. RECLAMATION. Sen. Watkins spoke in favor of the upper Colorado project (p.9740). The Interior and Insular Affairs Committee reported without amendment H. R. 8027, to extend the time during which the Interior Department may enter into mandatory repayment contracts under the Federal reclamation laws (S. Rept. 1795), and H. R. 6786, authorizing Interior to purchase improvements or pay damages for removal of improvements located on U. S. public lands in the Palisades project area (S. Rept. 1797)(p. 9733).

7. HEALTH INSURANCE. The Labor and Public Welfare Committee reported with amendments S. 3114, to encourage more extensive use of the voluntary prepayment method in the provision of personal-health services (S. Rept. 1798)(p. 9733).

HOUSE

8. FARM LOANS. Passed as reported S. 1276, to amend title 1 of the Bankhead-Jones Farm Tenant Act, relating to farm ownership loans, so as to authorize an increase in the interest rates to not over 5% on direct loans and to a base interest of not over 4% on insured loans with authority for adjustments in such rates; to permit direct loans on the security of second mortgages; to permit sale of property acquired by foreclosure to corporations engaged in farming; and to extend to several recent acts the authority for Farmers' Home Administration to protect its investment and security by making advances or purchasing property which has been pledged as security. Agreed to a committee amendment to strike out the provision authorizing loans up to the full value of the farm. (pp. 9779, 9786.)

9. CCC COMMODITIES; FORESTRY; ANIMAL DISEASES. The Agriculture Committee reported without amendment S. 1381, to amend the Agricultural Act of 1949 so as to authorize rotation of old CCC commodities and sales of small lots (H. Rept. 2177); H. R. 6393, to consent to the South Central Interstate Forest Fire Protection Compact (H. Rept. 2179); and S. 2583, to indemnify against loss the owners of certain swine destroyed in July 1952 as a result of vesicular exanthema (H. Rept. 2178)(p. 9806).

10. HEALTH INSURANCE. The Interstate and Foreign Commerce Committee reported (July 9) with amendment H. R. 8356, to encourage more extensive use of the voluntary prepayment method of providing for personal health services (H. Rept. 2106); and the Rules Committee reported a resolution for its consideration (p. 9806).

11. RECLAMATION. The Rules Committee reported a resolution for consideration of H. R. 236, to authorize the Fryingpay-Arkansas project, Colo. (pp. 9806-7).

12. BANKING AND CURRENCY. Rep. Brown, Ga., spoke in favor of revitalizing the lending activities of the Export-Import Bank and restoring it to National Advisory Council membership, and urged the addition of the Secretary of Agriculture to membership on the National Advisory Council on International Monetary and Financial Problems (pp. 9796-7).

13. FLOOD CONTROL. The "Daily Digest" states that the Public Works Committee

Mr. WILSON of California in two instances.

Mr. HOLT in five instances, in each to include extraneous matter.

Mr. GROSS to revise and extend the remarks he made under a reservation of objection.

Mr. SIEMINSKI.

Mr. WOLCOTT. Mr. Speaker, a very outstanding former Member of the House, the Honorable Louis C. Cramton, made the commencement address at the 86th annual commencement of Howard University on June 4. I ask unanimous consent that his remarks made at that time be inserted in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. FORAND and include the script of a radio-television program in which Mr. McCormack and Mr. Brown of Ohio, and Mr. Drew Pearson took part.

Mr. McCORMACK and include an editorial.

Mr. SMITH of Wisconsin in four instances and to include extraneous matter.

Mr. McCORMACK in two instances and to include extraneous matter.

Mr. EBERHARTER and to include an editorial which appeared in the Boston Post.

Mr. MULTER (at the request of Mr. HOLIFIELD) to extend his remarks at that point in the RECORD following consideration of the Texas City tin smelter bill, Senate Concurrent Resolution 79.

Mr. JONAS of Illinois and to include a brochure on water pollution.

SPECIAL ORDER GRANTED

Mrs. ROGERS of Massachusetts asked and was given permission to address the House for 2 hours tomorrow, following any special orders heretofore entered.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JUDD (at the request of Mr. ARENDS), for July 12, on account of death in family.

Mr. MAILLIARD (at the request of Mr. SHELLEY), for an indefinite period, on account of death of his father.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 120. An act for the relief of Gerasimos Giannatos; to the Committee on the Judiciary.

S. 231. An act for the relief of Otmar Sprah; to the Committee on the Judiciary.

S. 232. An act for the relief of Hugo Kern; to the Committee on the Judiciary.

S. 328. An act for the relief of Casimero Rivera Gutierrez, Teresa Gutierrez, Susana Rivera Gutierrez, Martha Aguilera Gutierrez, and Armando Casimero Gutierrez; to the Committee on the Judiciary.

S. 673. An act for the relief of Urho Paavo Patoski and his family; to the Committee on the Judiciary.

S. 771. An act for the relief of Anni Wolf and her minor son; to the Committee on the Judiciary.

S. 808. An act for the relief of Frederick Wiesinger; to the Committee on the Judiciary.

S. 810. An act for the relief of Jan E. Tomczyk; to the Committee on the Judiciary.

S. 966. An act for the relief of Demitrios Vasilious Karavogeorge; to the Committee on the Judiciary.

S. 1212. An act for the relief of Alice Masaryk; to the Committee on the Judiciary.

S. 1585. An act to amend the District of Columbia Traffic Act, 1925, as amended; to the Committee on the District of Columbia.

S. 1611. An act to regulate the election of delegates representing the District of Columbia to national political conventions, and for other purposes; District of Columbia.

S. 2380. An act to amend the Mineral Leasing Act of February 25, 1920, as amended; to the Committee on Interior and Insular Affairs.

S. 2381. An act to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain; to the Committee on Interior and Insular Affairs.

S. 2387. An act for the relief of Willy Voos and his wife, Alma Voos; to the Committee on the Judiciary.

S. 2389. An act to amend the act of December 3, 1942; to the Committee on Merchant Marine and Fisheries.

S. 2456. An act for the relief of Martin Genuth; to the Committee on the Judiciary.

S. 2504. An act for the relief of Elisa Albertina Cioccio Rigazzi or Elisa Cioccio; to the Committee on the Judiciary.

S. 2510. An act for the relief of Paul Lewerenz and Margareta Ehrhard Lewerenz; to the Committee on the Judiciary.

S. 2512. An act for the relief of Jeannette Kalker and Abraham Benjamin Kalker; to the Committee on the Judiciary.

S. 2542. An act for the relief of Glicerio M. Ebuna; to the Committee on the Judiciary.

S. 2587. An act for the relief of Domenico Peri; to the Committee on the Judiciary.

S. 2635. An act for the relief of Nadeem Tannous and Mrs. Jamile Tannous; to the Committee on the Judiciary.

S. 2655. An act to amend the District of Columbia Teachers' Salary Act of 1947, as amended; to the Committee on the District of Columbia.

S. 2686. An act to amend the act entitled "An act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes," approved July 8, 1932; to the Committee on the District of Columbia.

S. 2687. An act to authorize the Commissioners of the District of Columbia to designate employees of the District to protect life and property in and on the buildings and grounds of any institution located upon property outside of the District of Columbia acquired by the United States for District sanatoriums, hospitals, training schools, and other institutions; to the Committee on the District of Columbia.

S. 2798. An act for the relief of Azizollah Azordegan; to the Committee on the Judiciary.

S. 2958. An act for the relief of Ida Reissmuller and Johnny Damon Eugene Reissmuller; to the Committee on the Judiciary.

S. 3085. An act for the relief of Mrs. Helen Stryk; to the Committee on the Judiciary.

S. 3306. An act for the relief of Kang Chay Won; to the Committee on the Judiciary.

S. 3329. An act to amend the District of Columbia Police and Firemen's Salary Act of 1953, to correct certain inequities; to the Committee on the District of Columbia.

S. 3464. An act to amend the Communications Act of 1934 in order to make certain provision for the carrying out of the Agreement for the Promotion of Safety on the Great Lakes by Means of Radio; to the Committee on Interstate and Foreign Commerce.

S. 3482. An act to amend the District of Columbia Unemployment Compensation Act, and for other purposes; to the Committee on the District of Columbia.

S. 3506. An act to repeal the act approved September 25, 1914, and to amend the act approved June 12, 1934, both relating to alley dwellings in the District of Columbia; to the Committee on the District of Columbia.

S. 3518. An act to amend the laws relating to fees charged for services rendered by the office of the Recorder of Deeds for the District of Columbia and the laws relating to appointment of personnel in such office, and for other purposes; to the Committee on the District of Columbia.

S. 3546. An act to provide an immediate program for the modernization and improvement of such merchant-type vessels in the reserve fleet as are necessary for national defense; to the Committee on Merchant Marine and Fisheries.

S. 3558. An act to amend the act entitled "An act to provide for the better registration of births in the District of Columbia, and for other purposes," approved March 1, 1907; to the Committee on the District of Columbia.

S. 3589. An act to provide for the independent management of the Export-Import Bank of Washington under a Board of Directors, to provide for the representation of the Bank on the National Advisory Council on International Monetary and Financial Problems and to increase the Bank's lending authority; to the Committee on Banking and Currency.

S. 3681. An act to authorize the Civil Service Commission to make available group life insurance for civilian officers and employees in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

S. 3683. An act to amend the District of Columbia Credit Unions Act; to the Committee on the District of Columbia.

S. 3697. An act to amend the act of April 6, 1937, as amended, to include cooperation with the Governments of Canada or Mexico or local Canadian or Mexican authorities for the control of incipient or emergency outbreaks of insect pests or plant diseases; to the Committee on Agriculture.

S. 3699. An act granting the consent of Congress to a compact entered into by the States of Louisiana and Texas relating to the waters of the Sabine River; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 733. An act for the relief of Hildegard H. Nelson;

H. R. 734. An act for the relief of Mihai Handrabura;

H. R. 944. An act for the relief of Mr. and Mrs. Zygmunt Sowinski;

H. R. 1115. An act for the relief of Mrs. Suhula Adata;

H. R. 1762. An act for the relief of Sugako Nakai;

H. R. 2899. An act for the relief of Igor Shwabe;

H. R. 3333. An act for the relief of Julia N. Emmanuel;

H. R. 3624. An act for the relief of Peter M. Leaming;

H. R. 4496. An act to authorize and direct the conveyance of certain lands to the Board of Education of Prince Georges County, Upper Marlboro, Md., so as to permit the construction of public educational facilities urgently required as a result of increased defense and other essential Federal activities in the District of Columbia and its environs;

H. R. 6342. An act to amend the Public Buildings Act of 1949 to authorize the Administrator of General Services to require title to real property and to provide for the construction of certain public buildings thereon by executing purchase contracts; to extend the authority of the Postmaster General to lease quarters for post-office purposes; and for other purposes;

H. R. 6422. An act to authorize the Secretary of the Army to convey to the Government's grantors certain lands erroneously conveyed by them to the United States;

H. R. 6650. An act for the relief of Joseph Gerny;

H. R. 6998. An act for the relief of Erna White;

H. R. 7125. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to residues of pesticide chemicals in or on raw agricultural commodities;

H. R. 7132. An act to exempt from taxation certain property of the Veterans of Foreign Wars of the United States in the District of Columbia;

H. R. 7158. An act authorizing the United States Government to reconvey certain lands to S. J. Carver;

H. R. 7468. An act to amend certain provisions of part II of the Interstate Commerce Act so as to authorize regulation, for purposes of safety and protection of the public, of certain motor-carrier transportation between points in foreign countries, insofar as such transportation takes place within the United States;

H. R. 7500. An act for the relief of Kurt Forsell;

H. R. 7802. An act for the relief of Hanna Werner and her child, Hanna Elizabeth Werner;

H. R. 8247. An act to provide for the restoration and maintenance of the U. S. S. *Constitution* and to authorize the disposition of the U. S. S. *Constellation*, U. S. S. *Hartford*, U. S. S. *Olympia*, and U. S. S. *Oregon*, and for other purposes;

H. R. 8692. An act to permit the payment of certain trust accounts to the beneficiary on the death of the trustee by savings and loan, and similar associations in the District of Columbia;

H. R. 8973. An act to amend paragraph 31 of section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, as amended;

H. R. 8974. An act to permit investment of funds of insurance companies organized within the District of Columbia in obligations of the International Bank for Reconstruction and Development;

H. R. 9143. An act to repeal the provisions of section 16 of the Federal Reserve Act which prohibits a Federal Reserve bank from paying out notes of another Federal Reserve bank;

H. R. 9561. An act to correct typographical errors in Public Law 368, 83d Congress; and

H. J. Res. 459. Joint resolution to designate the lake to be formed by the completion of the Texarkana Dam and Reservoir on Sulphur River, about 9 miles southwest from Texarkana, Tex., as Lake Texarkana.

ADJOURNMENT

Mr. STRINGFELLOW. Mr. Speaker, I move that the House do now adjourn. The motion was agreed to; accordingly (at 4 o'clock and 9 minutes p. m.) the House adjourned until tomorrow, Tuesday, July 13, 1954, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1721. A letter from the Acting Comptroller General of the United States, transmitting a report on the audit of the Panama Canal Company and the Canal Zone Government for the year ended June 30, 1953, pursuant to the Government Corporation Control Act (31 U. S. C. 841), the Budget and Accounting Act, 1921 (31 U. S. C. 53), and the Accounting and Auditing Act of 1950 (31 U. S. C. 67) (H. Doc. No. 473); to the Committee on Government Operations and ordered to be printed.

1722. A letter from the Acting Secretary of Defense, transmitting as attachment A, copies of 17 separate reports of violation of section 3679, Revised Statutes, which have been received from the Departments of the Navy and Air Force, pursuant to section 3679 (i) (2), Revised Statutes; to the Committee on Appropriations.

1723. A letter from the Acting Secretary of the Army, transmitting a draft of legislation entitled "A bill to amend the Career Compensation Act of 1949, as amended, to allow credit for certain service for purposes of pay, and for other purposes"; to the Committee on Armed Services.

1724. A letter from the Chairman, Federal Communications Commission, transmitting a report on backlog of pending applications and hearing cases in the Federal Communications Commission as of May 31, 1954, pursuant to section 5 (e) of the Communications Act as amended July 16, 1952, by Public Law 554; to the Committee on Interstate and Foreign Commerce.

1725. A letter from the Attorney General, transmitting a draft of a proposed bill entitled "A bill to amend section 284 of title 18 of the United States Code relating to the representational activities of former employees"; to the Committee on the Judiciary.

1726. A letter from the Attorney General, transmitting a draft of a proposed bill entitled "A bill to amend section 709 of title 18, United States Code, so as to protect the name of the Federal Bureau of Investigation from commercial exploitation; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of July 8, 1954, the following conference report was filed July 9, 1954:

Mr. DEWART: Committee of Conference. S. 3378. A bill to revise the Organic Act of the Virgin Islands of the United States (Rept. No. 2105). Ordered to be printed.

Under clause 2 of rule XIII, pursuant to the order of the House of July 8, 1954, the following bill was reported July 9, 1954:

Mr. WOLVERTON: Committee on Interstate and Foreign Commerce. H. R. 8356. A bill to improve the public health by encouraging more extensive use of the voluntary prepayment method in the provision of personal health services; with amendment (Rept. No. 2106). Referred to the Commit-

tee of the Whole House on the State of the Union.

Under clause 2 of rule XIII, pursuant to the order of the House of July 8, 1954, the following bill was reported July 10, 1954:

Mr. REES of Kansas: Committee on Post Office and Civil Service. H. R. 9836. A bill to provide a method for the establishment of an equitable classification and pay system for the postal field service, to provide increases in the salaries of personnel in such service, and for other purposes; with amendment (Rept. No. 2107). Referred to the Committee of the Whole House on the State of the Union.

[Submitted July 12, 1954]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOPE: Committee on Agriculture. S. 1381. An act to amend the Agricultural Act of 1949; without amendment (Rept. No. 2177). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOPE: Committee on Agriculture. S. 2583. An act to indemnify against loss all persons whose swine were destroyed in July 1952 as a result of having been infected with or exposed to the contagious disease vesicular exanthema; without amendment (Rept. No. 2178). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOPE: Committee on Agriculture. H. R. 6393. A bill granting the consent and approval of Congress to an interstate forest-fire protection compact; without amendment (Rept. No. 2179). Referred to the Committee of the Whole House on the State of the Union.

Mr. HINSHAW: Joint Committee on Interstate and Foreign Commerce. H. R. 9390. A bill to extend certain civilian-internee and prisoner-of-war benefits under the War Claims Act of 1948, as amended, to civilian internees and American prisoners of war captured and held during the hostilities in Korea; with amendment (Rept. No. 2180). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLE of New York: Joint Committee on Atomic Energy. H. R. 9757. A bill to amend the Atomic Energy Act of 1946, as amended, and for other purposes; without amendment (Rept. No. 2181). Referred to the Committee of the Whole House on the State of the Union.

Mr. ALLEN of Illinois: Committee on Rules. House Resolution 623. Resolution for the consideration of H. R. 8356, a bill to improve the public health by encouraging more extensive use of the voluntary prepayment method in the provision of personal health services; without amendment (Rept. No. 2182). Referred to the House Calendar.

Mr. ALLEN of Illinois: Committee on Rules. House Resolution 624. Resolution for consideration of S. 3539, an act to further amend title II of the Career Compensation Act of 1949, as amended, to provide for the computation of reenlistment bonuses for members of the uniformed services; without amendment (Rept. No. 2183). Referred to the House Calendar.

Mr. ALLEN of Illinois: Committee on Rules. House Resolution 625. Resolution for consideration of S. 3458, an act to authorize the long-term time charter of tankers by the Secretary of the Navy, and for other purposes; without amendment (Rept. No. 2184). Referred to the House Calendar.

Mr. ALLEN of Illinois: Committee on Rules. House Resolution 626. Resolution for consideration of H. R. 236, a bill to authorize the construction, operation, and

States to take care of unemployment on a plant-by-plant basis. After all, they are not the determiners of cause to effect and effect to cause in the whole matter of employment and unemployment in the United States.

There are so many factors completely beyond the control of employers which determine unemployment, that if we really believe in this capitalistic system of ours—and I happen to be one who does believe in it—we must recognize a national obligation to relieve unemployment. The preservation of the economic freedom of choice for the individual calls upon all of us, as a society of free people acting through our Government, to see to it that the unemployment needs of our people are taken care of through such an amendment as we propose, or else the Full Employment Act of 1946 becomes just so many empty words.

Does the Senator find himself in any strong disagreement with that general point of view?

Mr. KENNEDY. No, I do not. I must also say I do not quite understand why whoever drew the act was so insistent on prohibiting a State from instituting a uniform tax reduction below the 2.7 level. It seems to me it is based to a substantial degree on a fallacious theory that an employer, if he takes proper precautions, can prevent widespread unemployment in his particular industry. I think time has proved that to be incorrect. I should like to have seen the bill reported out by the Finance Committee permit a State to reduce its rate to less than 2.7 on a uniform basis, because I think the theory behind the experience rating is not completely borne out by our actual experience.

Mr. MORSE. I think the Senator is absolutely correct. If the Senator will permit this observation, let me supplement the approach which the Senator is making to the question.

I wish to join with the Senator from New York [Mr. LEHMAN] in highly commending the Senator from Massachusetts for his suggestion that the act needs to be amended in accordance with the provisions of the amendment which the Senator is offering in behalf of the rest of us who are cosponsors. I commend the Senator from Massachusetts for the leadership he is extending to the Senate and to the country in reference to this matter. He is correct in pointing out today that, after all, this problem of unemployment cannot be solved on the basis of any individual employer plan.

Let us consider a specific example. I become a little bit amused sometimes when I listen to some of the reactionary business leaders of the country who talk about a return to *laissez faire* and to the economic jungle law of unfettered supply and demand. We usually find them talking in those terms when their business is prosperous, but they talk a different tune if we run into them a few months later and find that economic forces over which they have no control at all are playing havoc with economic conditions in their industry. Then they do not talk about *laissez faire* or about the operation of the unfettered law of

supply and demand. When unemployment hits their business they want the Government to do something right now.

Then they are strong for the assumption on the part of the Government of some of its responsibility in keeping with the spirit of the Full Employment Act of 1946 by way of Government aid in the direction of Federal assistance to the States through unemployment insurance compensation.

Let us take a situation such as exists in the manufacture of television sets, of automobiles, farm machinery, or a great many of the other durable goods which for the past year have been suffering from a recession, so far as employment is concerned and so far as purchasing power of potential customers is concerned.

Does the Senator from Massachusetts agree with me that there really was not very much, for example, that the television industry or the farm-machinery industry or the automobile industry could do about the growing unemployment, because of the fact that the forces causing it were far beyond any forces operating within the industry, so far as causal forces were concerned?

Mr. KENNEDY. Yes; I agree with the Senator. I have some figures which show a higher tax rate on textile producers, located in all parts of the country, as compared with the rate the service industries and insurance companies, which are not subject to the same fluctuations in supply and demand, have to pay. Some persons have the idea that employers should be penalized for having a streak of unemployment. It is obviously not their responsibility. It is the economy as a whole which affects them, and they have no control over it.

The Senator is perfectly correct in his point of view.

Mr. MORSE. It is certainly not fair, in such circumstances, to have unemployed individuals suffer losses which, after all, were caused by economic forces in this country over which neither they nor the employer had any control.

Mr. KENNEDY. That is correct. It seems to me, as the Senator from Oregon points out, that the question is broader than that of employer and employee; it is larger than a State problem. We have come a long way since 1935. While the system was put into effect as far as it could have gone in 1935, it seems to me that to consider the question as a State problem, and to permit the duration of a wide disparity of benefits after 18 or 19 years of experience under the act, is simply to fly in the face of all the facts which have become known throughout the country.

Mr. MORSE. I have only 1 or 2 more points I wish to raise at this time, but they deal with hypotheticals which we have been discussing.

Let us consider textiles, automobiles, television, farm machinery, or any other product manufactured in the durable goods industry, in which there has been so much unemployment during the last year. Does the Senator from Massachusetts agree with me that there has been a need for the goods produced by those manufacturers? Does he agree that

there has been a need for the farm machinery; that there has been a need, so far as the replacement of cars is concerned, for considerable quantities of automobiles, for which the prospective consumers have not been able to find the purchasing power? Certainly there has been a need for textiles, but the fact is that there has not been the purchasing power in the consuming public as a whole which would be sufficient to justify employers, if they are to operate at a profit, and not at a loss, to operate their plants at that capacity which would keep their regular staffs employed. Is not that correct?

Mr. KENNEDY. That is correct.

Mr. MORSE. So, again, we are confronted with the old problem of maintaining a relatively high purchasing power on the part of the masses of all our people, if the capitalistic system is to be kept functioning in a healthy state. Is not that true?

Mr. KENNEDY. Yes; that is correct.

Mr. MORSE. Therefore, if the *laissez faire* doctrine is accepted, or if it is said that the law of supply and demand should be allowed to rule, with all the human suffering that goes along with it, we are simply inviting a further reduction in the purchasing power; and if that reduction develops, the Nation will find itself in what is called a cycle of recession or depression. Is not that true?

Mr. KENNEDY. That is correct. Therefore, I think, as the Senator from Oregon has said, it is of immense concern to all of us, in all parts of the country, that several States are operating with inadequate standards. In those cases the people who receive unemployment compensation, or who should get the benefit of it, will not receive a sufficient amount of money with which to maintain consumer purchasing power. So this is not a matter from which we should be removed; it is a matter which is of direct concern to all of us.

Mr. MORSE. That is why, in my judgment, the Federal Government has, at least, the responsibility of saying that it recognizes a national interest in maintaining a fund for unemployment benefits to the States. But, in return, the States have an obligation to the Federal Government to make certain that they maintain what we are now talking about, namely, a level of decent State standards, so that the State policies do not lead to such a loss in purchasing power that the loss in State X can have a very detrimental effect, as the waves of causation of economic disaster spread across the country. Those waves spreading across the country would not have such a serious detrimental effect if all States maintained high standards of unemployment benefits. As a result of the low standards in State X a great many thousands of persons would lose their purchasing power. Their unemployment benefits would run out at a very early date, and that would begin to set in motion, of course, an economic wave which is bound to result in economic losses in other States. Does the Senator from Massachusetts disagree with that?

Mr. KENNEDY. That is quite true. What is really objectionable is if the in-

adequate benefits in State X are kept inadequate simply because the State desires to enjoy a competitive advantage over another State, which is maintaining its standards high, and is imposing a far higher tax on its employers. It seems to me that States which provide inadequate benefits are working against the general interest.

Mr. MORSE. The last question I wish to ask, at least at this time, deals with the point which the Senator from Massachusetts has heard me discuss at some of the conferences of a group of Senators of whom the junior Senator from Massachusetts has been a very helpful member. It is the point involving the so-called low-income producers in America, especially the mass of people throughout the country who gross \$3,500 a year or less.

As the Senator knows, the number of persons in that class is so large that if they should be taken out of production, across the country, they would bring the whole economic system to a complete standstill in a very, very short period of time. Some economists say it would result in the economic collapse of the United States in 6 months. Whatever the period of time may be—let us call it X period of time—the fact is that those low-income producers are so vital to the operation of the economy that if there should be taken away from them even the low purchasing power which they have our economy would collapse. Is not that true?

Mr. KENNEDY. That certainly is true. The Senator from Oregon was earlier talking about the problem of employment in the Pacific-coast industries. It was pointed out in the hearings that in the jewelry and textile industries, in which there has been very chronic unemployment, the average tax rate for those industries was 5.31 percent. This indicates a tremendous disadvantage to the States which suffer from chronic unemployment, particularly in those with less stable industries. As the rates go up, other employers have to bear some of the load, or else have to move out of the State. That is why there is the migration of industry to other areas. The reason why some States maintain lower standards is that they feel it is an attraction for industry. I believe such action is against the whole spirit of the act and the reason for its original passage. Certainly it should be against the public interests at the present time to allow such practices to continue.

As the Senator from Oregon has stated, the people who are denied adequate benefits are those who play a very important role in maintaining a pliable economy.

Mr. MORSE. If the Senator from Massachusetts will permit me to do so, and if there is no objection, I wish to summarize the point of view I have sought to express in the RECORD in my colloquy with the Senator, because I believe it involves a principle which I find so many people overlook when they approach the problem of unemployment compensation.

As the Senator from Massachusetts knows, we are meeting people all the time who say, "Why are you voting for funds

to pay people for not working?" I usually laugh, and say, "I am doing it to help you."

It is important to get the average citizen to understand the vested interest he has in unemployment benefits; that it is to the benefit of every citizen in the country that unemployment benefits be paid. The Government should not be parsimonious about it, either, because of the point I have made, namely, that the whole economy benefits from unemployment benefits. The money the doctor collects, the fees which the lawyer takes into his office, the earnings of the retail merchant, the income received in any trade and profession is dependent upon the purchasing power of all the people. I do not care what individual in the economy is selected, his economic well being is dependent, after all, upon the so-called great mass of producers in the low-income brackets at least being able to maintain a standard of living of health and decency. Too many of them receive wages so low that they cannot maintain a minimum standard of living, of health, and decency. I am not talking about the substandard wage group at this particular moment. As to those, I simply say we have a tremendous obligation in this country to see to it that legislative assistance is given to them so that their standard of living can be raised, by making it very clear to the industries in which they work that those industries have no right to operate unless they are willing to pay a wage which permit their workers to enjoy a standard of living of health and decency.

In a great many arbitration decisions, I have put it this way: There is no industry in this country which has the right to expect the rest of the population to subsidize its employees for what is needed over and above the substandard wages that the industry pays. Every industry should be expected to pay wages high enough to give its employees a wage of health and decency. I have heard much criticism of that point of view but more and more people are coming to recognize its soundness. Under our capitalistic system no industry has a right to operate on a substandard wage. That is not free competition. That is not free enterprise. That is exploitation of the economically weak.

I say, ignoring the substandard wage group, there are many, many millions of men and women working in American industry today and receiving wages so low that they gross \$3,500 a year or less. They are the ones to whom we need to give particular concern in connection with this matter of unemployment benefits. When unemployment benefits to persons in that group are considered, and the suggestion is made that the unemployment benefits for whatever period of weeks unemployment insurance is going to be paid those persons should approximate their weekly wages, we find uninformed individuals saying, "Why, it is better if that fellow does not work. He is better off if he does not work at all."

The answer to that argument is that the rest of us in this country are not better off at all if he does not work. We are not better off if economic conditions

have closed down the industry in which he was employed, and there is no job available to him. We are not better off if the unemployment benefits he receives are so small that he cannot purchase the necessities of life. Most of these workers have a hard time making both ends meet on the pay they get for full-time employment.

That is particularly true, Mr. President, of the millions who receive a gross income of \$2,500 or less a year. Individuals who gross \$2,500 or less a year today, if they have any family at all, just cannot make ends meet and give their families that minimum standard of living which we call the standard of living of health and decency.

So I happen to be one who says that my confidence in our free enterprise system is such that I am satisfied that if we look at the question from the standpoint of our national obligations, we should do what we can to see to it that an employee in that group receives unemployment compensation which would come pretty close to his take-home pay if employed. When that much is given to him, we are not giving him very much.

Mr. President, those persons are so vital to the continuation of our economic system that, without their production, it would break down completely. If that premise is true—and one cannot find a reputable economist in this country who would deny it—then I say that the Congress, when it come to the consideration of legislation such as that now before the Senate, should ask itself this question: What is the legislative philosophy behind this bill? What is it we are seeking to do?

Let me say, Mr. President, we not only are seeking to be of humane help to unemployed persons, but we are seeking also to help ourselves, each and every one of us, be we doctors, lawyers, manufacturers, businessmen, or candlestick makers. We all have a vital interest in seeing to it that a person in the low-income group in this country is able to maintain a purchasing power which will permit him to live in health and decency, because if we do not, then I respectfully submit serious economic trouble will confront us. Unchecked unemployment always creates the danger of a serious recession which may develop into a runaway depression.

I thank the Senator from Massachusetts for answering the questions I asked, and for engaging me in this discussion. I am sure at least the cosponsors of the amendment are of one mind as to the philosophy of the substitute amendment offered.

REVISION OF ORGANIC ACT OF VIRGIN ISLANDS — CONFERENCE REPORT

Mr. CORDON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3378) to revise the Organic Act of the Virgin Islands of the United States. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. REYNOLDS in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see RECORD of House proceedings of today.)

Mr. CORDON. Mr. President, I send to the desk, and ask to have printed in the RECORD a statement with respect to the report, chiefly because it refers to the late Senator Butler, of Nebraska, the distinguished former chairman of the Committee on Interior and Insular Affairs, under whose direction the bill was prepared, and who directed the proceedings during conference.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The other body today unanimously adopted the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill, S. 3378, to revise the Organic Act of the Virgin Islands of the United States.

This report is signed by all of the conferees of both Houses. The conferees have reported a clean bill, the substance of which is the Senate measure with certain features approved by the House. The Members of the Senate will recall that the Senate bill was introduced and reported by the late distinguished chairman of the committee, the Honorable Hugh Butler of Nebraska. The former chairman of the committee was greatly interested in trying to improve conditions for our 25,000 fellow American citizens in the Virgin Islands, and in many ways this legislation is a memorial to him.

In substance, enactment of the conferees' bill would be a long step forward in making the people of the Virgin Islands self-sufficient economically. It provides for a grant out of the internal revenue taxes on Virgin Islands products of a sum equal to the amount of revenue collected by the government of the Virgin Islands. This is a "matching funds" grant, dollar for dollar.

The conferees bill also make possible the establishment of a "free port" in the Virgin Islands which the committee was assured would enable these American possessions to compete on a basis of equality with the neighboring British, French, and Dutch Caribbean Islands for the so vital tourist business in the area.

Politically, the conferees' bill would modernize and streamline the present archaic local governmental structure in the Virgin Islands. Thus, by providing better government, it provides more true local self-government.

The present Organic Act of the Virgin Islands dates from 1936. Many of its provisions are characteristic of the extreme paternalism that dominated much of the legislative thinking of the mid-1930's. It also borrowed much from the old Danish colonial system that had been in effect in the islands in one form or another for some two and one-half centuries.

For example, for the mere 25,000 people, with an electorate of less than 10,000, three separate and distinct local governments—three legislative bodies—were set up. The members, elected by popular vote, were left free to determine the length of their sessions and the amount of their compensation. As a result they are in more or less continuous session and have voted themselves annual salaries of up to \$2,300. And many of them represent less than 2,000 voters. Last year, legislative costs for the 25,000 persons in the islands approximated \$100,000.

One of the worst features of the present act is the absolute veto, in substance, that the legislatures have over the Governor.

The Governor, a Presidential appointee, cannot hire a man to sweep the floor of the executive office without obtaining the prior approval of the legislature.

This inevitably has made local government subject to a great deal of petty politicking and has not always led to the appointment of the right man to the right job.

The conferees' bill would change all of this and establish a single popularly elected legislature of 11 members, more directly responsible to the majority of the voters. At the same time it would untie the hands of the Governor.

The present Governor, Hon. Archie A. Alexander of Iowa, was a highly successful businessman and leader before his selection by President Eisenhower. He is capable of bringing honest, efficient, responsible government to the Virgin Islands. But he cannot do so unless we untie his hands, as does this bill.

Therefore I urge adoption of the conference report on S. 3378.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. LENNON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LENNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the conference report.

Mr. MORSE. Mr. President, I should like to ask just one question with regard to the conference report. From what my colleague said, I think it is perfectly clear that the report limits itself entirely to the bill on the Virgin Islands. Is that correct?

Mr. CORDON. Yes.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

ORDER FOR RECESS TO 11 A. M. TOMORROW

Mr. KNOWLAND. Mr. President, I ask unanimous consent that when the Senate completes its labors this evening it stand in recess until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMPLOYMENT SECURITY ADMINISTRATIVE FINANCING ACT OF 1954

The Senate resumed the consideration of the bill (H. R. 5173) to provide that the excess of collections from the Federal unemployment tax over unemployment compensation administrative expenses shall be used to establish and maintain a \$200 million reserve in the Federal unemployment account which will be available for advances to the States, to provide that the remainder of

such excess shall be returned to the States, and for other purposes.

Mr. KENNEDY. Mr. President, I desire to express to the Senator from Oregon my appreciation for his comments. As he stated in his last comment, no employer should have the right to pay substandard wages. Certainly, it seems to me, to be true also that no State should feel satisfied if it maintains payment benefits for a substantially shorter period of time than the period during which other States maintain such benefits, since that simply means that other States and their citizens would be maintaining the general economy. In addition, those States which make payments for a shorter period of time than their sister States would be exploiting the other States; and in granting to their citizens less than standard minimum benefits, they would be obtaining benefits from the other States for which they were not paying.

So, just as it follows that all employers should maintain the minimum standards, so I believe it follows that all States should maintain the minimum standards. That is the purpose of this amendment, which does no more than put into effect President Eisenhower's recommendation of minimum standards.

Therefore, we come to the question of whether President Eisenhower's recommendation should be translated into action by the States. As I have already stated, none of the 19 State legislatures which have met since then, with the possible exception of the Michigan Legislature, have taken affirmative action to meet the definite minimum standards the President has recommended. Therefore, it seems to me it is up to Congress to put those standards into effect.

Mr. President, it can be stated flatly that this bill is not in conformance with the views of the Bureau of the Budget, which represents the views of the President; or with the views of the Department of Labor, which administers this program on the Federal level; or with the views of the Department of the Treasury, which is charged with the responsibility of collecting the unemployment tax.

What this bill does do, as I shall outline in more detail in contrasting its provisions with those of the substitute amendment I have submitted, is to permit an unjustifiable raid on our unemployment compensation benefits, making impossible the necessary Federal aid to the States hardest hit by unemployment, making impossible nationwide standards or adequate levels of unemployment benefits, and in general weakening our jobless-insurance program at a time when it is in critical need of improvement.

The bill grants money to the States, regardless of need, without requiring that such funds be used to increase benefits, instead of reducing taxes, building huge idle reserves, or permitting administrative luxuries over the level regarded by Congress to be proper and efficient. It takes money which thousands of unemployed workers who have exhausted their benefits in the State of Rhode Is-

land could use to bolster their living standards and their purchasing power, and permits it to be used for the construction of a new State employment security bureau building in any State. The Federal Government, which collects that tax, would be given no opportunity to say whether the building was excessively luxurious, and it would be unable to protest the fact that it had already given to the same State all money necessary for administrative expenses, even in excess of the moneys collected within that State by the Federal tax. In short, the Reed bill undermines the basic premises of our unemployment compensation system, and wastes these valuable funds at the very time when they are most in need of preservation.

THE PENDING AMENDMENT

Thus, it is particularly important that the Senate add to this bill the sections contained in the pending amendment, which, by establishing the benefit standards recommended by the administration, strengthen the fundamental structure of this program, and improve the protection it offers to jobless individuals. I particularly want to emphasize the point that these sections establish nationwide standards for the amount and duration of unemployment compensation benefits at levels recommended by President Eisenhower, Secretary of Labor Mitchell, and the Tripartite Federal Advisory Council.

Under these standards, an individual would receive a benefit equal to at least 50 percent of his own weekly wage, except that this is reduced in the case of higher paid employees to a maximum not greater than two-thirds of the State's average weekly wage. This was the maximum recommended by the Department and the Council, although experience may demonstrate that an even higher maximum is necessary in order to carry out the President's request that most individuals receive 50 percent of their own wage.

As President Eisenhower pointed out, this was the level originally intended by the authors of the Social Security Act. The report to the President of the Committee on Economic Security, in 1935, stated that it was basing its cost assumptions upon a benefit rate in all States of 50 percent of wages; that it was including such a provision in its model bill recommended to State legislatures; and that it was setting its maximum benefits at \$15 or more which, in those times, was in practically every State 60 percent to 90 percent of average weekly wages.

Mr. JACKSON. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. KENNEDY. I yield.

Mr. JACKSON. First, I should like to commend the distinguished Senator from Massachusetts for the outstanding contribution he has made in an effort to bring the Unemployment Compensation Act up to date. As I understand, his amendment in the nature of a substitute, of which I am happy to be one of the sponsors, in effect carries out the recommendation made some time ago by the President of the United States in urging

the States to make these changes. Is that correct?

Mr. KENNEDY. That is quite correct. In its report to the President, the Committee on Economic Security stated, in 1935:

It is urged, therefore, that all of the States raise the potential duration of unemployment benefits to 26 weeks.

It was also suggested that the States put into effect the same standards of benefits contained in this amendment.

So, in substance, by means of the amendment it is proposed to put into effect the benefits the President recommended that the States put into effect. Since the President made his recommendation, the legislatures of approximately 19 States have met and could have done something about the matter, but they failed to do so.

Therefore, the question is whether the President's recommendation is sound, wisely conceived, and in the best interests of the country. I believe it is. I believe it should be adopted as an amendment to the pending bill.

Mr. JACKSON. The President made that suggestion and recommendation some time ago, did he not?

Mr. KENNEDY. Yes; last February.

Mr. JACKSON. And the President gave the State legislatures an opportunity to meet. I am informed that approximately 19 State legislatures have met, but that no action on this subject has been taken by them.

It seems to me that if the President's recommendation was sound in the beginning—and I believe it was—there is no reason in the world why Congress should not at this time carry out his recommendation, by adopting the amendment in the nature of a substitute which has been offered by the distinguished junior Senator from Massachusetts, on behalf of himself and other Senators.

Mr. KENNEDY. Mr. President, I appreciate the fact that the Senator from Washington is a cosponsor of the amendment and I am grateful for his remarks. As the President pointed out in his report:

The report to the President of the Committee on Economic Security, in 1935, which led to the adoption of the Unemployment Compensation Act, stated:

"In our calculations a 50-percent compensation rate and a maximum of \$15 per week were assumed."

In other words, in figuring out the tables the Committee on Economic Security proceeded on the assumption that benefits would be about 50 percent of wages. The President made an allusion to this report, and since that time, of course, wages have increased substantially and benefits have declined, until now they are less than 33 or 32 percent. Therefore we have fallen behind to a great extent, which fact has had a substantial effect on our economy, with respect to the benefits which were in effect when the Unemployment Compensation Act was passed in 1935.

Mr. JACKSON. Is it not true that certain areas of the United States have been harder hit, and have had to carry a

heavier load in this particular area of compensation than have other sections of the United States?

Mr. KENNEDY. Yes; but as I pointed out earlier, this is not a North-South issue, because the State of Mississippi has kept its benefits, in relation to the average wage in that State, higher than has any other State of the Union. Therefore, it would cost the State of Mississippi less to increase its employers' tax than it would cost any other State if the President's standards were met. So this is a matter which affects both North and South. It would cost my State substantially more than it would cost certain other States.

Mr. JACKSON. I understand that; but the substitute has as its objective insuring certain national standards, does it not?

Mr. KENNEDY. That is correct.

Mr. JACKSON. Standards which represent an absolute minimum so far as the carrying on of an adequate program of unemployment compensation insurance is concerned.

Mr. KENNEDY. That is correct. I think the important point for the Senate to realize is that the standards vary greatly. As I pointed out, the State of Arizona pays unemployment compensation for a duration of only 12 weeks. The State of New York pays for 26 weeks. There is a great difference in the duration of the benefits and in the amount of the benefits. In many States, particularly during the 1949 recession, hundreds of thousands of people exhausted their benefits and went on public relief. They were no longer making a contribution toward a strong economy. Therefore, it seems to me that the President's recommendations were most valid and timely, and it seems to me that we can take a long step forward toward putting them in effect.

When Senator Wagner made his speech in 1935 proposing the amendment, he stated that it was based on the assumption that unemployment compensation benefits would be "at a rate equal to about 50 percent of the working wage."

As the President pointed out, that rate has now fallen to 33 percent. So as wages have gone up, it seems to me that it becomes high time for us to do something about unemployment compensation benefits.

Mr. JACKSON. Is it not true that unemployment, when it occurs, is a national problem? The whole philosophy of our unemployment-insurance program in the past has been to recognize unemployment as a national problem, but leaving to the States the opportunity of administering the program in the various communities, subject to Federal standards, because they know best the problems in their own areas, so far as administration is concerned.

Mr. KENNEDY. That is correct.

Mr. JACKSON. The substitute merely pursues that philosophy to its logical conclusion, and strengthens the whole unemployment-insurance program by establishing certain minimum national standards for all 48 States to follow, so

ment he made several weeks ago, that there will be decided improvement. I am satisfied that since he made his remarks there has been improvement in the right direction.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Illinois.

Mr. YATES. As a matter of fact, it has only been the pushing and the persuasion by congressional committees, the Committee on Appropriations and the Select Committee on Small Business, that the Small Business Administration has made any loans at all. Most of the loans that have been made have not been made directly to small businesses, but the vast majority of them have been in cooperation with banks to the small business of the country.

Mr. McCORMACK. The gentleman is a member of the committee?

Mr. YATES. I am.

Mr. McCORMACK. And as I recall, I sent the gentleman a copy of the CONGRESSIONAL RECORD in which the speech made by our colleague, Mr. HILL, was printed.

Mr. YATES. The gentleman is absolutely correct.

Mr. McCORMACK. It was a very fine speech, but he unmistakably called to their attention the fact that there was keen disappointment in what had been accomplished up to date.

Mr. YATES. That is absolutely correct. As a matter of fact, under the first Administrator appointed to the Small Business Administration, whose name was Packard, I think, there were no loans made. He was opposed to making loans. It was only after Mr. Barnes was appointed in December that they started making any loans at all.

Mr. McCORMACK. Whom did Mr. Barnes succeed?

Mr. WOLCOTT. William Mitchell.

Mr. YATES. I thank the gentleman. It was William Mitchell. He refused to make any loans at all.

Mr. McCORMACK. I understand he is now employed in the Department of Agriculture.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed, and a motion to reconsider was laid on the table.

AMENDMENTS TO THE BANKHEAD-JONES FARM TENANT ACT

Mr. NICHOLSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 617 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1276) to amend the Bankhead-Jones Farm Tenant

Act in order to increase the interest rate on loans made under title I of such act, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Agriculture now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. NICHOLSON. Mr. Speaker, I yield 30 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. Speaker, I rise to urge the adoption of House Resolution 617 which will make in order the consideration of the bill S. 1276, to amend the Bankhead-Jones Farm Tenant Act in order to increase the interest rate on loans made under title I of such act.

House Resolution 616 provides for an open rule, waiving points of order and allows for the consideration of the committee substitute amendment as an original bill for purposes of amendment. One hour of general debate is provided on the bill.

Mr. Speaker, S. 1276 will provide the authorization for the Secretary of Agriculture to increase the rate of interest to not to exceed 5 percent in the case of direct FHA loans and to a base interest of not in excess of 4 percent on insured mortgage loans. The report on this bill emphasizes the fact that the present interest rates on FHA loans are too low and thus compete unfairly with private loans. Consequently instead of farmers coming to the FHA people as a last resort when they fail to get loans through private lending means, the farmers come directly to the FHA which was never the intent of the Congress when the enabling legislation was originally passed.

S. 1276 will also permit the Farmers' Home Administration to make direct loans on the security of second mortgages where the combined value of the first and second mortgages does not exceed the value of the farm as certified by county FHA officials.

The third major provision in this bill, Mr. Speaker, will permit FHA to sell property acquired by foreclosure to corporations engaged in the farming business if such a corporation makes the highest bid for the property.

Lastly, S. 1276 extends to several recent acts of Congress the authority for FHA to protect its investment and its security by making advances to protect its loans or bidding for and purchasing at foreclosure sale or otherwise proper-

ty which has been pledged as security for such loans.

Mr. Speaker, S. 1276 includes many provisions recommended by the Secretary of Agriculture. The Committee on Agriculture has studied this whole subject at great length and I hope that the rule will be adopted and that the bill itself will pass.

Mr. SMITH of Virginia. Mr. Speaker, I have no requests for time.

Mr. NICHOLSON. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

REVISED ORGANIC ACT OF THE VIRGIN ISLANDS

Mr. SAYLOR. Mr. Speaker, I call up the conference report on the bill (S. 3378) to revise the Organic Act of the Virgin Islands of the United States, and ask unanimous consent that the statement of the managers on the part of the House may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 2105)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3378) to revise the Organic Act of the Virgin Islands of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following: "That this Act may be cited as the 'Revised Organic Act of the Virgin Islands'."

"SEC. 2. (a) The provisions of this Act, and the name 'Virgin Islands' as used in this Act, shall apply to and include the territorial domain, islands, cays, and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. 1706). The Virgin Islands as above described are hereby declared an unincorporated territory of the United States of America.

"(b) The government of the Virgin Islands shall have the powers set forth in this Act and shall have the right to sue by such name and in cases arising out of contract, to be sued: *Provided*, That no tort action shall be brought against the government of the Virgin Islands or against any officer or employee thereof in his official capacity without the consent of the legislature constituted by this Act.

"The capital and seat of government of the Virgin Islands shall be located at the city of Charlotte Amalie, in the island of Saint Thomas.

"BILL OF RIGHTS

"SEC. 3. No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to any person therein equal protection of the laws.

"In all criminal prosecutions the accused shall enjoy the right to be represented by counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

"No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence against himself; nor shall any person sit as judge or magistrate in any case in which he has been engaged as attorney or prosecutor.

"All persons shall be bailable by sufficient sureties in the case of criminal offenses, except for first-degree murder or any capital offense when the proof is evident or the presumption great.

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

"No law impairing the obligation of contracts shall be enacted.

"No person shall be imprisoned or shall suffer forced labor for debt.

"All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

"No ex post facto law or bill of attainder shall be enacted.

"Private property shall not be taken for public use except upon payment of just compensation ascertained in the manner provided by law.

"The right to be secure against unreasonable searches and seizures shall not be violated.

"No warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

"Slavery shall not exist in the Virgin Islands.

"Involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted by a court of law, shall not exist in the Virgin Islands.

"No law shall be passed abridging the freedom of speech or of the press or the right of the people peaceably to assembly and petition the government for the redress of grievances.

"No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof.

"No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of the Virgin Islands or of the United States shall be qualified to hold any office of trust or profit under the government of the Virgin Islands.

"No money shall be paid out of the Virgin Islands treasury except in accordance with an Act of Congress or money bill of the legislature and on warrant drawn by the proper officer.

"The contracting of polygamous or plural marriages is prohibited.

"The employment of children under the age of sixteen years in any occupation injurious to health or morals or hazardous to life or limb is prohibited.

"Nothing contained in this Act shall be construed to limit the power of the legislature herein provided to enact laws for the protection of life, the public health, or the public safety.

"FRANCHISE

"Sec. 4. The franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, twenty-one years of age or over. Additional qualifications may be prescribed by the legislature: Pro-

vided, however, That no property, language, or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

"LEGISLATIVE BRANCH

"Sec. 5. (a) The legislative power and authority of the Virgin Islands shall be vested in a legislature, consisting of one house, to be designated the 'Legislature of the Virgin Islands', herein referred to as the legislature.

"(b) The legislature shall be composed of eleven members to be known as senators. The Virgin Islands shall be divided into three legislative districts, as follows: The District of Saint Thomas, comprising Saint Thomas, Hassel, Water, Savana, Inner Brass, Outer Brass, Hans Lollik, Little Hans Lollik, Great Saint James, Little Saint James, and Capella Islands, Thatch Cay and adjacent islets and cays; the District of Saint Croix, comprising Saint Croix and Buck Islands and adjacent islets and cays; and the District of Saint John, comprising Saint John and Flanagan Islands, Grass, Mingo, Lovango, and Congo cays and adjacent islets and cays. Two senators shall be elected by the qualified electors of the District of Saint Thomas; two senators shall be elected by the qualified electors of the District of Saint Croix; and one senator shall be elected by the qualified electors of the District of Saint John. The other six senators shall be senators at large and shall be elected by the qualified electors of the Virgin Islands from the Virgin Islands as a whole: *Provided*, That in the election of senators at large, each elector shall be entitled to vote for two candidates, and the candidates receiving the largest number of votes shall be declared elected up to the number to be elected at that election. The order of names upon the ballot for each office shall be determined by lot among the candidates: *Provided*, That the Government Secretary or his designee is authorized to draw for a candidate who does not appear in person, or by authorized representative, at the drawing of lots.

"Sec. 6. (a) The term of office of each member of the legislature shall be two years. The term of office of each member shall commence on the second Monday in April following his election: *Provided, however*, That the term of office of each member elected in November 1954 shall commence on the second Monday in January 1955 and shall continue until the second Monday in April 1957.

"(b) No person shall be eligible to be a member of the legislature who is not a citizen of the United States, who has not attained the age of twenty-five years, who is not a qualified voter in the Virgin Islands, who has not been a bona fide resident of the Virgin Islands for at least three years next preceding the date of his election, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights. Federal employees and persons employed in the legislative, executive or judicial branches of the government of the Virgin Islands shall not be eligible for membership in the legislature.

"(c) All officers and employees charged with the duty of directing the administration of the electoral system of the Virgin Islands and its representative districts shall be appointed in such manner as the legislature may by law direct.

"(d) No member of the legislature shall be held to answer before any tribunal other than the legislature for any speech or debate in the legislature and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature and in going to and returning from the same.

"(e) Each member of the legislature shall be paid the sum of \$600 annually, one-third on the second Monday in April, one-third on the second Monday in May, and one-third at the close of the regular session: *Provided, however*, That each member of the legislature shall be paid for the regular session commencing on the second Monday in January 1955, the sum of \$600 annually, one-third on the second Monday in January, one-third on the second Monday in February, and one-third at the close of that session. Each member of the legislature who is away from the island of his residence shall also receive the sum of \$10 per day for each day's attendance while the legislature is actually in session, in lieu of his expenses for subsistence, and shall be reimbursed for his actual travel expenses in going to and returning from each session, or period thereof, for not to exceed a total of eight round trips during any calendar year. The salaries, per diem, and travel allowances of the members of the legislature shall be paid by the Government of the United States.

"(f) No member of the legislature shall hold or be appointed to any office which has been created by the legislature, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, or during one year after the expiration of such term.

"(g) The legislature shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes, inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpoenas to witnesses and other parties concerned, and administer oaths. The rules of the Legislative Assembly of the Virgin Islands existing on the date of approval of this Act shall continue in force and effect for sessions of the legislature, except as inconsistent with this Act, until altered, amended, or repealed by the legislature.

"(h) The Governor of the Virgin Islands shall fill any vacancy in the office of a member of the legislature by appointment. If the vacant office is that of a senator from a district, the person appointed shall be a resident of the district from which the member whose office is vacant was elected. If the vacant office is that of a senator at large the person appointed may be a resident of any part of the Virgin Islands. In any case, the person appointed shall serve for the remainder of the unexpired term.

"Sec. 7. (a) Regular sessions of the legislature shall be held annually, commencing on the second Monday in April, and shall continue in regular session for not more than sixty consecutive calendar days in any calendar year: *Provided, however*, That the annual session for 1955 shall commence on the second Monday in January 1955, and shall continue in regular session for not more than sixty consecutive calendar days. The Governor may call special sessions of the legislature at any time when in his opinion the public interests may require it, but no special session shall continue longer than fifteen calendar days, and the aggregate of such special sessions during any calendar year shall not exceed thirty calendar days. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session.

"(b) Sessions of the legislature shall be held in the capital of the Virgin Islands at Charlotte Amalie, Saint Thomas.

"Sec. 8. (a) The legislative authority and power of the Virgin Islands shall extend to all subjects of local application not inconsistent with this Act or the laws of the United States made applicable to the Virgin Islands, but no law shall be enacted which would impair rights existing or arising by

virtue of any treaty or international agreement entered into by the United States, nor shall the lands or other property of nonresidents be taxed at a higher rate than the lands or other property of residents.

"(b) The legislature of the government of the Virgin Islands may cause to be issued on behalf of said government bonds or other obligations for a specific public improvement or specific public undertaking authorized by an act of the legislature, which bonds or obligations shall be payable solely from the revenues directly derived from and attributable to such specific public improvement or public undertaking. The total amount of such revenue bonds which may be issued and outstanding for all such improvements or undertakings at any one time shall not be in excess of \$10,000,000. Bonds issued pursuant to this subsection may bear such date or dates, may be in such denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner as shall be prescribed by the government of the Virgin Islands. Said bonds shall be sold at public sale and shall be redeemable after five years without premium. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signature, whether manual or facsimile shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate not to exceed 5 per centum per annum, payable semiannually. All such bonds shall be sold for not less than the principal amount thereof plus accrued interest. All such bonds issued by the government of the Virgin Islands or by its authority shall be exempt as to principal and interest from taxation by the Government of the United States, or by the government of the Virgin Islands, or by any State, Territory, or possession or by any political subdivision of any State, Territory, or possession, or by the District of Columbia. Such bonds shall under no circumstances constitute a general obligation of the Virgin Islands or of the United States. The legislature shall have no power to incur any indebtedness which may be a general obligation of said government.

"(c) The laws of the United States applicable to the Virgin Islands on the date of approval of this Act, including laws made applicable to the Virgin Islands by or pursuant to the provisions of the Act of June 22, 1936 (48 Stat. 1807), and all local laws and ordinances in force in the Virgin Islands, or any part thereof, on the date of approval of this Act shall, to the extent they are not inconsistent with this Act, continue in force and effect until otherwise provided by the Congress: *Provided*, That the legislature shall have power, when within its jurisdiction and not inconsistent with the other provisions of this Act, to amend, alter, modify, or repeal any local law or ordinance, public or private, civil or criminal, continued in force and effect by this Act, except as herein otherwise provided, and to enact new laws not inconsistent with any law of the United States applicable to the Virgin Islands, subject to the power of Congress to annul any such Act of the legislature.

"(d) The President of the United States shall appoint a commission of seven persons, at least three of whom shall be residents of the Virgin Islands, to survey the field of Federal statutes and to make recommendations to the Congress within twelve months after the date of approval of this Act as to which statutes of the United States not applicable to the Virgin Islands on such date should be made applicable to the Virgin Islands, and

as to which statutes of the United States applicable to the Virgin Islands on such date should be declared inapplicable. The members of the commission shall receive no salary for their service on the commission, but under regulations and in amounts prescribed by the Secretary of the Interior, they may be paid, out of Federal funds, reasonable per diem fees, and allowances in lieu of subsistence expenses, for attendance at meetings of the commission, and for time spent on official business of the commission, and their necessary travel expenses to and from meetings or when upon such official business, without regard to the Travel Expense Act of 1949.

"(e) The Secretary of the Interior shall arrange for the preparation, at Federal expense, of a code of laws of the Virgin Islands, to be entitled the 'Virgin Islands Code', which shall be a consolidation, codification and revision of the local laws and ordinances in force in the Virgin Islands. When prepared, the Governor shall submit it, together with his recommendations, to the legislature for enactment. Upon the enactment of the Virgin Islands Code it and any supplements to it shall be printed, at Federal expense, by the Government Printing Office as a public document.

"SEC. 9 (a) The quorum of the legislature shall consist of seven of its members. No bill shall become a law unless it shall have been passed at a meeting, at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.

"(b) The enacting clause of all acts shall be as follows: 'Be it enacted by the Legislature of the Virgin Islands'.

"(c) The Governor shall submit at the opening of each regular session of the legislature a message on the state of the Virgin Islands and a budget of estimated receipts and expenditures, which shall be the basis of the appropriation bills for the ensuing fiscal year, which shall commence on the first day of July.

"(d) Every bill passed by the legislature shall, before it becomes a law, be presented to the Governor. If the Governor approves the bill, he shall sign it. If the Governor disapproves the bill, he shall, except as hereinafter provided, return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him. If the Governor does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature agree to pass the bill, it shall be presented anew to the Governor. If he then approves it, he shall sign it; if not, he shall within ten days after it has been presented to him transmit it to the President of the United States. If the President approves the bill, he shall sign it. If he disapproves the bill, he shall return it to the Governor, so stating, and it shall not be a law. If the President neither approves nor disapproves the bill within ninety days from the date on which it is transmitted to him by the Governor, the bill shall be a law in like manner as if the President had signed it. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the items,

or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect.

"(e) If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payment of the obligations and necessary current expenses of the Government of the Virgin Islands for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item.

"(f) The legislature shall keep a journal of its proceedings and publish the same. Every bill passed by the legislature and the yeas and nays on any question shall be entered on the journal.

"(g) Copies of all laws enacted by the legislature shall be transmitted within fifteen days of their enactment by the Governor to the Secretary of the Interior and by him annually to the Congress of the United States.

"SEC. 10. The next general election in the Virgin Islands shall be held on November 2, 1954. At such time there shall be chosen the entire membership of the legislature as herein provided. Thereafter the general elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1956, and every two years thereafter. The Municipal Council of Saint Thomas and Saint John, and the Municipal Council of Saint Croix, existing on the date of approval of this Act, shall continue to function until January 10, 1955, at which time all of the functions, property, personnel, records, and unexpended balances of appropriations and funds of the governments of the municipality of Saint Thomas and Saint John and the municipality of Saint Croix shall be transferred to the government of the Virgin Islands.

"EXECUTIVE BRANCH

"SEC. 11. The executive power of the Virgin Islands shall be vested in an executive officer whose official title shall be the "Governor of the Virgin Islands", and shall be exercised under the supervision of the Secretary of the Interior. The Governor of the Virgin Islands shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President and until his successor is chosen and qualified. The Governor shall maintain his official residence in the Government House of Saint Thomas during his official incumbency, free of rent, and while in Saint Croix may reside in Government House on Saint Croix free of rent. He shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and may grant respite for all offenses against the laws of the United States applicable in the Virgin Islands until the decision of the President can be ascertained. He may veto any legislation as provided in this Act. He shall appoint all officers and employees of the executive branch of the government of the Virgin Islands, except as otherwise provided in this or any other Act of Congress, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Virgin Islands and the laws of the United States applicable in the Virgin Islands. Whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia, to prevent or suppress violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof,

when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the islands, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon made known. He shall annually, and at such other times as the President or the Congress may require, make official report of the transactions of the government of the Virgin Islands to the Secretary of the Interior, and his said annual report shall be transmitted to the Congress. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President, or by the Secretary of the Interior. He shall have the power to issue executive regulations not in conflict with any applicable law. He may attend or may designate another person to represent him at the meetings of the legislature, may give expressions to his views on any matter before that body, and may recommend bills to the legislature.

"SEC. 12. The President shall appoint a Government Secretary for the Virgin Islands. He shall have custody of the seal of the Virgin Islands and shall countersign and affix such seal to all executive proclamations and all other executive documents. He shall record and preserve the laws enacted by the legislature. He shall promulgate all proclamations and orders of the Governor and all laws enacted by the legislature. He shall have such executive powers and perform such other duties as may be assigned to him by the Governor.

"SEC. 13. The Governor may appoint an administrative assistant who shall reside in Saint Croix and an administrative assistant who shall reside in Saint John. These administrative assistants shall perform such duties as may be assigned to them by the Governor. In making such appointments, preference shall be given to qualified residents of the Virgin Islands.

"SEC. 14. In case of a vacancy in the office of Governor or the disability or temporary absence of the Governor, the Government Secretary shall have all the powers of the Governor.

"SEC. 15. The Secretary of the Interior may from time to time designate the head of an executive department of the government of the Virgin Islands to act as Governor in the case of a vacancy in the offices, or the disability or temporary absence, of both the Governor and the Government Secretary, and the person so designated shall have all the powers of the Governor for so long as such condition continues.

"SEC. 16. (a) The Governor shall, within one year after the date of approval of this Act, reorganize and consolidate the existing executive departments, bureaus, independent boards, agencies, authorities, commissions, and other instrumentalities of the government of the Virgin Islands or of the municipal governments into not more than nine executive departments, except for independent bodies whose existence may be required by Federal law for participation in Federal programs. The head of each executive department shall be designated as the Commissioner thereof, and the Commissioner of Finance shall be bonded. No other department, bureau, independent board, agency, authority, commission, or other instrumentality shall be created, organized, or established by the Governor or the legislature, without the prior approval of the Secretary of the Interior, unless required by Federal law for participation in Federal programs.

"(b) The Governor shall, from time to time, after complying with the provisions of subsection (a) of this section, examine the organization of the executive branch of the government of the Virgin Islands, and shall make such changes therein, subject to the approval of the legislature, not inconsistent with this Act, as he determines are necessary

to promote effective management and to execute faithfully the purposes of this act and the laws of the Virgin Islands.

"(c) The heads of the executive departments created by this act shall be appointed by the Governor, with the advice and consent of the legislature. Each shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is appointed and qualified, unless sooner removed by the Governor. Each shall have such powers and duties as may be prescribed by the legislature.

"SEC. 17. (a) The Secretary of the Interior shall appoint a government comptroller who shall receive a salary of not to exceed \$12,500 per annum. The government comptroller shall hold office for a term of ten years and until his successor is appointed and qualified unless sooner removed by the Secretary of the Interior for cause. The government comptroller shall not be eligible for reappointment.

"(b) The government comptroller shall audit and settle all accounts and claims pertaining to the revenues and receipts from whatever source of the government of the Virgin Islands and of funds derived from bond issue; and he shall audit and settle, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands including those pertaining to trust funds held by the government of the Virgin Islands.

"(c) It shall be the duty of the government comptroller to bring to the attention of the proper administrative officer failures to collect amounts due the government, and expenditures of funds or property which in his opinion are extravagant, excessive, unnecessary, or irregular.

"(d) It shall be the duty of the government comptroller to certify to the Secretary of the Interior the net amount of government revenues which form the basis for Federal grants for the civil government of the Virgin Islands.

"(e) The decisions of the government comptroller shall be final except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year from the date of the decision, to the Governor, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken with the reasons and the authorities relied upon for reversing such decision.

"(f) If the Governor confirms the decision of the government comptroller, then relief may be sought by appeal to the legislature or suit in the District Court of the Virgin Islands if the claim is otherwise within its jurisdiction.

"(g) The government comptroller is authorized to communicate directly with any person having claims before him for settlement, or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

"(h) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of the Virgin Islands an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government.

"(i) The government comptroller shall make such other reports as may be required by the Governor of the Virgin Islands, the Comptroller General of the United States, or the Secretary of the Interior.

"(j) The office of the government comptroller shall be under the general supervision of the Secretary of the Interior, but shall not be a part of any executive department in the government of the Virgin Islands.

"SYSTEM OF ACCOUNTS

"SEC. 18. The Governor shall establish and maintain systems of accounting and internal control designed to provide—

"(a) full disclosure of the financial results of the government's activities;

"(b) adequate financial information needed for the government's management purposes;

"(c) effective control over and accountability for all funds, property, and other assets for which the government is responsible, including appropriate internal audit; and

"(d) reliable accounting results to serve as the basis for preparation and support of the government's request for the approval of the President or his designated representative for the obligation and expenditure of the internal revenue collections as provided in section 26, the Governor's budget request to the legislature, and for controlling the execution of the said budget.

"SEC. 19. The office and activities of the Government Comptroller of the Virgin Islands shall be subject to review annually by the Comptroller General of the United States, and report thereon shall be made by him to the Governor, the Secretary of the Interior, and to the Congress.

"SEC. 20. (a) The Governor shall receive an annual salary at the rate provided for Governors of Territories and possessions in the Executive Pay Act of 1949.

"(b) The Government Secretary, the heads of the executive departments, and the members of the immediate staffs of the Governor and the Government Secretary, shall receive annual salaries at rates established by the Secretary of the Interior in accordance with the standards provided in the Classification Act of 1949.

"(c) The salaries of the Governor, the Government Secretary, and the members of their immediate staffs shall be paid by the United States. The salaries of the government comptroller and the heads of the executive departments shall be paid by the government of the Virgin Islands; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor.

"JUDICIAL BRANCH

"SEC. 21. The judicial power of the Virgin Islands shall be vested in a court of record to be designated the 'District Court of the Virgin Islands', and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by local law.

"SEC. 22. The District Court of the Virgin Islands shall have the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties and laws of the United States, regardless of the sum or value of the matter in controversy. It shall have general original jurisdiction in all other causes in the Virgin Islands, exclusive jurisdiction over which is not conferred by this Act upon the inferior courts of the Virgin Islands. When it is in the interest of justice to do so the district court may on motion of any party transfer to the district court any action or proceeding brought in an inferior court and the district court shall have jurisdiction to hear and determine such action or proceeding. The district court shall also have appellate jurisdiction to review the judgments and orders of the inferior courts of the Virgin Islands to the extent now or hereafter prescribed by local law.

"SEC. 23. The inferior courts now or hereafter established by local law shall have exclusive original jurisdiction of all civil actions wherein the matter in controversy does not exceed the sum or value of \$500, exclusive of interest and costs, all criminal cases wherein the maximum punishment which may be imposed does not exceed a fine of

\$100 or Imprisonment for six months, or both, and all violations of police and executive regulations, and they shall have original jurisdiction, concurrently with the district court, of all actions, civil or criminal, jurisdiction of which may hereafter be conferred upon them by local law. Any action or proceeding brought in the district court which is within the jurisdiction of an inferior court may be transferred to such inferior court by the district court in the interest of justice. The inferior courts shall hold preliminary investigations in charges of felony and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction granted to the inferior courts by this section, and shall commit offenders to the district court and grant bail in bailable cases. The rules governing the practice and procedure of the inferior courts and prescribing the duties of the judges and officers thereof, oaths and bonds, the times and places of holding court, and the procedure for appeals to the district court shall be as may hereafter be established by the district court. The rules governing disposition of fines, costs and forfeitures, enforcement of judgments, and disposition and treatment of prisoners shall be as established by law or ordinance in force on the date of approval of this Act or as may hereafter be so established.

"SEC. 24. The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of the Virgin Islands, who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The salary of the judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the District Court the Chief Judge of the Third Judicial Circuit of the United States may assign a circuit or district judge of the Third Circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The compensation of the judge of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States. The Attorney General shall, as heretofore, appoint a marshal and one deputy marshal for the Virgin Islands to whose office the provisions of chapter 33 of title 28, United States Code, shall apply.

"SEC. 25. The Virgin Islands consists of two judicial divisions; the Division of Saint Croix, comprising the island of Saint Croix and adjacent islands and cays, and the Division of Saint Thomas and Saint John, comprising the islands of Saint Thomas and Saint John and adjacent islands and cays. The district court shall hold sessions in each division at such time as the court may designate by rule or order, at least once in three months in each division. The rules of practice and procedure heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of title 28, United States Code, in civil cases, section 2073 of title 28, United States Code, in admiralty cases, and section 30 of the Bankruptcy Act in bankruptcy cases, shall apply to the District Court of the Virgin Islands and to appeals therefrom. All offenses shall continue to be prosecuted in the District Court by information as heretofore except such as may be required by local law to be prosecuted by indictment by grand jury.

"SEC. 26. In any criminal case originating in the district court, no person shall be denied the right to trial by jury on the de-

mand of either party. If no jury is demanded the case shall be tried by the judge of the district court without a jury, except that the judge may, on his own motion, order a jury for the trial of any criminal action. The legislature may provide for trial in misdemeanor cases by a jury of six qualified persons.

"SEC. 27. The President shall, by and with the advice and consent of the Senate, appoint a United States attorney for the Virgin Islands, who shall hold office for the term of four years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The United States attorney, by himself or the assistant United States attorney, shall conduct all legal proceedings, civil and criminal, to which the Government of the United States or the government of the Virgin Islands is a party in the District Court of the Virgin Islands and in the inferior courts of the Virgin Islands. Offenses against the laws of the Virgin Islands shall be prosecuted in the name of the government of the Virgin Islands. The United States attorney shall perform his duties under the supervision and direction of the Attorney General of the United States. The Attorney General may appoint one assistant United States attorney. The Attorney General may authorize the employment of necessary clerical assistants. The compensation of the district attorney and his assistant and employees shall be fixed by the Attorney General and their salaries and the other necessary expenses of the office shall be paid from appropriations made to the Department of Justice. In the case of a vacancy in the office of the district attorney, the District Court of the Virgin Islands may appoint a district attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.

"FISCAL PROVISIONS

"SEC. 28. (a) The proceeds of customs duties, the proceeds of the United States income tax, the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and the proceeds of all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands, less the cost of collecting all of said duties, taxes, and fees, shall be covered into the treasury of the Virgin Islands, and shall be available for expenditure as the Legislature of the Virgin Islands may provide: *Provided*, That the term 'inhabitants of the Virgin Islands' as used in this section shall include all persons whose permanent residence is in the Virgin Islands, and such persons shall satisfy their income tax obligations under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands: *Provided further*, That nothing in this Act shall be construed to apply to any tax specified in section 3811 of the Internal Revenue Code.

"(b) Subchapter B of chapter 28 of the Internal Revenue Code is amended by adding to section 3350 thereof the following subsection:

"(c) DISPOSITION OF INTERNAL REVENUE COLLECTIONS.—Beginning with the fiscal year ending June 30, 1954, and annually thereafter, the Secretary of the Treasury shall determine the amount of all taxes imposed by, and collected during the fiscal year under, the internal revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States. The amount so determined less 1 per centum and less the estimated amount of refunds or credits shall be subject to disposition as follows:

"(i) There shall be transferred and paid over to the government of the Virgin Islands from the amounts so determined a sum equal to the total amount of the revenue

collected by the government of the Virgin Islands during the fiscal year, as certified by the Government Comptroller of the Virgin Islands. The moneys so transferred and paid over shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as the legislature may determine: *Provided*, That the approval of the President or his designated representative shall be obtained before such moneys may be obligated or expended.

"(ii) There shall also be transferred and paid over to the government of the Virgin Islands during each of the fiscal years ending June 30, 1955, and June 30, 1956, the sum of \$1,000,000, or the balance of the internal revenue collections available under this subsection (c) after payments are made under the preceding paragraph (i), whichever amount is greater. The moneys so transferred and paid over shall be deposited in the separate fund established by the preceding paragraph (i), but shall be obligated or expended for emergency purposes and essential public projects only, with the prior approval of the President or his designated representative.

"(iii) Any amounts remaining shall be deposited in the Treasury of the United States as miscellaneous receipts.

"If at the end of any fiscal year the total of the Federal contribution made under (i) above at the beginning of that fiscal year has not been obligated or expended for an approved purpose, the balance shall continue available for expenditure during any succeeding fiscal year, but only for approved emergency relief purposes and essential public projects as provided in (ii) above. The aggregate amount of moneys available for expenditure for emergency relief purposes and essential public projects only, including payments under (ii) above, shall not exceed the sum of \$5,000,000 at the end of any fiscal year. Any unobligated or unexpended balance of the Federal contribution remaining at the end of a fiscal year which would cause the moneys available for emergency relief purposes and essential public projects only to exceed the sum of \$5,000,000 shall thereupon be transferred and paid over to the Treasury of the United States as miscellaneous receipts."

"(c) Section 42 of the Trade Mark Act of 1946 (60 Stat. 440, 15 U. S. C., 1952 edition, sec. 1124), and section 526 of the Tariff Act of 1930 (46 Stat. 741, 19 U. S. C., 1952 edition, sec. 1526), shall not apply to importations into the Virgin Islands of genuine foreign merchandise bearing a genuine foreign trademark, but shall remain applicable to importations of such merchandise from the Virgin Islands into the United States or its possessions; and the dealing in or possession of any such merchandise in the Virgin Islands shall not constitute a violation of any registrant's right under said Trade Mark Act.

"(d) There shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the Virgin Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries, and the internal revenue taxes imposed by section 3350 of title 26, United States Code: *Provided*, That all articles, the growth or product of, or manufactured in, such islands, from materials grown or produced in such islands or in the United States, or both, or which do not contain foreign materials to the value of more than 50 per centum of their total value, upon which no drawback of custom duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. In determining whether such a Virgin Islands article contains foreign material to the value of more than 50 per centum, no material shall be considered foreign which, at the time the Virgin Islands articles is entered, or withdrawn from warehouse, for consumption, may be imported

into the continental United States free of duty generally.

"MISCELLANEOUS PROVISIONS"

"SEC. 29. All officials of the government of the Virgin Islands shall be citizens of the United States. Every member of the legislature of the Virgin Islands and all officers and employees of the government of the Virgin Islands shall before entering upon the duties of their respective offices, or, in the case of persons in the employ of the government of the Virgin Islands on the effective date of this Act, then within sixty days of the effective date thereof, make a written statement in the following form:

"I, _____, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution and laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands, and that I will discharge the duties of _____ with fidelity.

"And I do further swear (or affirm) that I do not advocate, nor am I knowingly a member of any organization that advocates, the overthrow of the Government of the United States or of the Virgin Islands by force or violence or other unconstitutional means, or seeking by force or violence to deny other persons their rights under the Constitution and laws of the United States applicable to the Virgin Islands or the laws of the Virgin Islands.

"And I do further swear (or affirm) that I will not so advocate nor will I knowingly become a member of such organization during the period that I am an employee of the Virgin Islands."

"SEC. 30. All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is hereby authorized to place all matters pertaining to the government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to the judicial branch of said government which on the date of approval of this Act are under the supervision of the Director of the Administrative Office of the United States Courts, and the matters relating to the United States Attorney and the United States Marshal which on the date of approval of this Act are under the supervision of the Attorney General.

"SEC. 31. (a) The Secretary of the Interior shall be authorized to lease or to sell upon such terms as he may deem advantageous to the Government of the United States any property of the United States under his administrative supervision in the Virgin Islands not needed for public purposes.

"(b) The government of the Virgin Islands shall continue to have control over all public property that is under its control on the date of approval of this Act.

"SEC. 32. Section 6 of the Act of August 30, 1890 (26 Stat. 414, 416), as amended (21 U. S. C., 1946 edition, sec. 104) is further amended by inserting the words 'and the admission into the Virgin Islands' immediately following the word 'Texas', so that such section will read as follows:

"The importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is prohibited: *Provided*, That the Secretary of Agriculture, within his discretion and under such regulations as he may prescribe, is authorized to permit the admission from Mexico into the State of Texas and the admission into the Virgin Islands of cattle which have been infested with or exposed to ticks upon being freed therefrom. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding \$5,000, or

by imprisonment not exceeding three years, and any vessel or vehicle used in such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States."

"SEC. 33. Section 2 of the Act of February 2, 1903 (32 Stat. 791, 792), as amended (21 U. S. C., 1946 edition, sec. 111), is hereby further amended by striking out the period and adding at the end thereof the following: '*Provided*, That no such regulations or measures shall pertain to the introduction of live poultry into the Virgin Islands of the United States.'

"SEC. 34. This Act shall take effect upon its approval, but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the incumbents of all offices under the government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority. The enactment of this Act shall not affect the term of office of the judge of the District Court of the Virgin Islands in office on the date of its enactment.

"SEC. 35. There are hereby authorized to be appropriated annually by the Congress of the United States such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act.

"SEC. 36. If any clause, sentence, paragraph, or part of this Act, or the application thereof to any person, or circumstances, is held invalid, the application thereof to other persons, or circumstances, and the remainder of the Act, shall not be affected thereby."

And the House agree to the same.

WESLEY A. D'EWART,
JOHN P. SAYLOR,
E. Y. BERRY,
CLAIR ENGLE,
LOYD M. BENTSEN, Jr.,
Managers on the Part of the House.

GUY CORDON,
ARTHUR V. WATKINS,
THOMAS H. KUCHEL,
HENRY M. JACKSON,
RUSSELL B. LONG,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to S. 3378, revising the Organic Act of the Virgin Islands of the United States, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

Section 1 provides that the act may be cited as the "Revised Organic Act of the Virgin Islands."

Section 2, in subsection (a), provides that the act shall apply to the Virgin Islands, defines the term "Virgin Islands" and describes the Virgin Islands as an unincorporated territory of the United States. Subsection (b) provides that the government of the Virgin Islands may sue, in cases arising out of contract, and except for a tort action in connection with which the legislature has not given its consent, be sued. It also provides that the capital of the Virgin Islands shall be at Charlotte Amalie, St. Thomas.

Section 3 provides a bill of rights which is in considerable extent similar to the Bill of Rights of the United States Constitution and parallels the bill of rights, in somewhat different order, contained in the existing Virgin Islands Organic Act. The Senate provision, providing that no person who advocates or who aids or belongs to any party, organization, or association which advocates the overthrow by force or violence of the

government of the Virgin Islands or of the United States, shall be qualified to hold any office of trust or profit under the government of the Virgin Islands, was agreed to.

Section 4 provides that the franchise shall be vested in Virgin Islands residents who are American citizens. It further provides that the legislature may prescribe additional qualifications but that no property, language, or income qualifications shall be imposed and that no discrimination shall be based upon race, color, sex, or religious belief. The Senate conferees agreed to the inclusion of language as one of the qualifications that shall not be imposed on voters.

Section 5 vests legislative power and authority in the Legislature of the Virgin Islands, provides for the division of the islands into legislative districts, and for the election of 5 senators therefrom and for 6 senators at large. The Senate conferees agreed to the designation of members of the legislature as senators instead of as representatives and also receded from their earlier stipulation that candidates' names should appear alphabetically on the first 500 ballots printed and thereafter be alternated on each succeeding group of 500 ballots. Instead, they agreed to the House provision that such order on the ballot shall be determined by lot among the candidates. The House conferees receded to the Senate's demands that in the election of senators at large, each elector shall be entitled to vote for 2 candidates instead of the originally proposed 4.

Section 6, in subsection (a), provides 2-year terms of office for each senator commencing on the second Monday in April following his election. The conferees agreed to the House proposal that the term of office of each senator elected in November 1954 shall commence on the second Monday in January 1955 and shall continue until the second Monday in April 1957. Subsection (b) prescribes eligibility of requirements for senators; subsection (c) provides that persons directing the administration of the electoral system shall be appointed as the legislature directs. Subsection (d) provides for legislative immunity; subsection (e) provides for payments to the senators of \$600 annually as follows: One-third on the second Monday in April, one-third on the second Monday in May, and one-third at the close of the regular session. It further provides, however, that since the next regular session commences on the second Monday in January 1955, one-third of the annual sum will be paid on the second Monday in January, one-third on the second Monday in February, and one-third at the close of that session. The Senate agreed to the House provision that travel expenses for not to exceed a total of eight round trips in going to and returning from each session of the legislature, or period thereof, shall be paid by the Government of the United States, as will salaries and per diem of members of the legislature; subsection (f) limits the positions which senators may hold or to which they may be appointed; subsection (g) sets forth certain legislative powers; and subsection (h) provides that the Governor of the Virgin Islands shall fill vacancies in the legislature. In this instance the conferees adopted the Senate proposal that the Governor instead of the judge of the district court should make such appointments.

Section 7 provides for regular sessions of 60 days per annum, commencing on the second Monday in April. It was agreed that the annual session for 1955 shall commence on the second Monday in January. This section also empowers the Governor to call special sessions of the legislature but provides that no such session shall continue longer than 15 calendar days nor shall the aggregate of such special sessions during any calendar year exceed 30 calendar days.

Section 8, in subsection (a), describes the extent of the legislature's power and stipu-

lates that lands and other property of non-residents may not be taxed at a higher rate than the lands or other property of residents. It further provides that public indebtedness of the Virgin Islands shall be limited to 10 percent of the aggregate tax valuation of the property in the Virgin Islands. Subsection (b) authorizes the issuance of revenue bonds for public improvements, subject to certain limitations specified therein. Subsection (c) provides that the laws of the United States applicable to the Virgin Islands and local laws and ordinances in force in the Virgin Islands or any part thereof on the date of the approval of this act, shall continue to apply. Subsection (d) provides for the appointment of a seven-man commission to make recommendations to the Congress with regard to the application of Federal laws to the Virgin Islands. Subsection (e) provides for the codification of Virgin Islands laws at Federal expense.

Section 9, subsection (a), prescribes the quorum of the legislature; subsection (b) prescribes the enacting clause of the acts of the legislature. Subsection (c) provides for the Governor's message to the legislature on the state of the Virgin Islands and for the presentation of the annual financial budget for the fiscal year commencing on the 1st day of July. Subsection (d) sets forth the procedures for executive approval of legislative measures, provides for the Governor's veto, and, in certain circumstances, for the President's consideration of the bills which the Governor has vetoed. Subsection (e) provides that if the legislature fails to pass certain appropriation bills, the sums appropriated in the last preceding appropriation bills shall be deemed to be reappropriated. Subsection (f) provides that a journal of legislative proceedings shall be kept and published. Subsection (g) provides for the transmission within 15 days of the laws enacted by the legislature to the Secretary of the Interior and subsequently to the Congress of the United States.

Section 10 provides for general elections every 2 years. The first election shall be held on November 2, 1954, and thereafter on the first Tuesday after the first Monday in November, beginning with the year 1956. It further provides that the functions and records of the Municipal Councils of St. Thomas and St. John and of St. Croix shall be transferred to the government of the Virgin Islands.

Section 11 vests executive power in the Governor of the Virgin Islands, who will be appointed by the President and exercise his powers under the supervision of the Secretary of the Interior. The Governor shall reside in the Government House on St. Thomas during his official incumbency, free of rent, and while in St. Croix may reside in the Government House there, free of rent. These rent-free stipulations were agreed to at the request of the Senate conferees. This section also defines the functions and powers of the Governor and provides that, except as otherwise expressly stated, he shall appoint all officers and employees of the executive branch of the government of the Virgin Islands.

Section 12 provides for the appointment of a Government Secretary for the Virgin Islands and describes his primary functions. The House conferees receded from their original provision to require the Government Secretary to reside in St. Croix during his official incumbency and to serve as Administrator of St. Croix without additional compensation.

Section 13 is a new section which provides for the appointment of an administrative assistant for each of the islands of St. Croix and St. John. It specifies that, in making such appointments, preference shall be given to qualified residents of the Virgin Islands. This section was added in response to a general feeling that the Governor should

have a personal representative on each of the major outlying islands.

Section 14 combines sections 13 and 14 of the House bill and provides that in the event of disability or temporary absence of the Governor, the Government Secretary shall have all the powers of the Governor.

Section 15 provides that in the event of disability or temporary absence of the Governor and the Government Secretary, the Secretary of the Interior may designate the head of an executive department of the government of the Virgin Islands to act in their stead.

Section 16, in subsection (a), provides that within a year after this act becomes effective the Governor shall reorganize and consolidate the executive branch of the Virgin Islands into not more than nine executive departments and generally prohibits the creation of additional executive departments. The Senate conferees receded to the House request that these executive departments include the following: A department of finance, the head of which shall be designated the commissioner of finance; a department of public works, the head of which shall be designated as the commissioner of public works; a department of education, the head of which shall be designated as the commissioner of education; a department of travel, commerce and industry, the head of which shall be designated the commissioner of travel, commerce and industry; a department of health and welfare, the head of which shall be designated as the commissioner of health and welfare; a department of agriculture and labor, the head of which shall be designated as the commissioner of agriculture and labor; and the department of public safety, the head of which shall be designated as the commissioner of public safety. Subsection (b) provides that after the reorganization of the executive branch, the Governor shall, from time to time, examine the executive branch of the government of the Virgin Islands and subject to the approval of the legislature make such changes, not inconsistent with this act, as are necessary. Subsection (c) provides for the appointment of the heads of the executive departments by the Governor with the advice and consent of the legislature.

Section 17, in subsection (a), provides for the appointment by the Secretary of the Interior of a government comptroller to hold office for a term of 10 years unless sooner removed for cause. He shall receive not to exceed \$12,500 annually and shall not be eligible for reappointment. Subsections (b) through (d) describe the powers and duties of the government comptroller. Subsection (e) provides that the comptroller's decisions shall be final except for an appeal to the Governor and subsection (f) provides a further appeal to the District Court of the Virgin Islands. Subsection (g) provides that the government comptroller may communicate directly with persons having claims or business with him and that he may summon witnesses and administer oaths. Subsections (h) and (i) provide for reports by the government comptroller; and subsection (j) provides that the comptroller's office shall be under the supervision of the Secretary of the Interior and shall not be a part of any executive department in the government of the Virgin Islands.

Section 18: The House conferees agreed to accept the systems of accounting and internal control proposed by the Senate conferees. These systems must meet certain standards specified therein.

Section 19 provides for the annual review by the Comptroller General of the United States of the office and activities of the government comptroller, with a report thereon to be submitted by the former to the Governor, the Secretary of the Interior, and to the Congress.

Section 20, in subsection (a), provides a salary for the Governor in accordance with existing law; subsection (b) provides for the establishment by the Secretary of the Interior of rates of salaries for others in the executive branch of the Virgin Islands; and in subsection (c) provides for the payment of the salaries of the Governor, the Government Secretary and members of their immediate staffs, by the United States, and those of the government comptroller and the heads of the executive departments by the government of the Virgin Islands.

Section 21 vests the judicial powers of the Virgin Islands in the District Court of the Virgin Islands and in inferior courts created by local law.

Section 22 provides that the District Court of the Virgin Islands shall have the jurisdiction of a district court in the United States, as well as certain local jurisdiction, both original and appellate. The House conferees agreed to the Senate proposal that certain suggestions made by the Honorable Albert B. Maris of the Third Circuit Court be accepted. These suggestions include the stipulation that the District Court of the Virgin Islands shall have jurisdiction over all causes arising under the Constitution, treaties, and laws of the United States regardless of the sum or value of the matter in controversy. The House also agreed to the Senate's request to accept the provision that, when it is in the interest of justice to do so, the district court may, on motion of any party, transfer to the district court any action or proceeding brought in an inferior court and the district court shall have jurisdiction to hear and determine such action or proceeding.

Section 23 provides that the inferior courts shall have jurisdiction concurrent with the district court of civil actions in which the matter in controversy does not exceed \$500 and in criminal cases in which the maximum punishment which might be imposed does not exceed a fine of \$500 or 6 months' imprisonment, or both. The House conferees agreed to accept the Senate's language, which provides that the inferior courts shall have original jurisdiction concurrently with the district court and that any action or proceeding brought in the district court, which is within the jurisdiction of an inferior court, may be transferred to such inferior court by the district court in the interest of justice.

Section 24 provides for the appointment by the President, with the consent of the Senate, of a judge for the District Court of the Virgin Islands to hold office for an 8-year term, and for the temporary assignment of judges of the District Court of the Virgin Islands by the chief judge of the Third Judicial Circuit of the United States. It also provides for the appointment of a marshal and a deputy marshal for the Virgin Islands by the Attorney General of the United States. It is the opinion of the conference committee that in times of emergency the marshal may appoint as many deputies as may be required. In the matter of the temporary assignment of judges to the District Court of the Virgin Islands, the House agreed to the Senate's proposal.

Section 25 provides for two judicial divisions and for the holding of sessions of the district court in both. Upon the suggestion of Judge Maris, both the Senate and the House amended this section from the floor to include the following provision: "The rules of practice and procedure heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of title 28, United States Code, in civil cases, section 2073 of title 28, United States Code, in admiralty cases, and section 30 of the Bankruptcy Act in bankruptcy cases, shall apply to the District Court of the Virgin Islands and to appeals therefrom. All offenses shall continue to be prosecuted in the District Court by information as heretofore except such as

may be required by local law to be prosecuted by indictment by grand jury."

Section 26 guarantees the right to trial by jury in criminal actions to those who demand it.

Section 27 provides for the appointment by the President, with the consent of the Senate, of a United States district attorney and for the appointment by the Attorney General of an assistant district attorney of the United States. This section also outlines the duties of these officials.

Section 28, subsection (a), provides that the proceeds of customs duties, United States income taxes, other taxes levied by Congress and certain other fees less the cost of collection shall be covered into the treasury of the Virgin Islands. Taxes collected in connection with the old-age and survivors' insurance program are specifically exempt. This section further provides that all persons whose permanent residence is in the Virgin Islands shall satisfy their United States income-tax obligations by paying their tax to the Virgin Islands regardless of their source of income. The conferees agreed to accept the wording of the House version that the term "inhabitants of the Virgin Islands" shall include all persons whose permanent residence is in the Virgin Islands in lieu of the Senate stipulation that "inhabitants of the Virgin Islands" shall include all citizens of the United States whose permanent residence is in the United States. Subsection (b) provides that the Secretary of the Treasury shall determine annually the amount of taxes collected under Federal internal revenue laws with respect to articles produced in the Virgin Islands and transported to the United States. From this amount, there shall be paid to the government of the Virgin Islands a sum equal to the amount of revenue collected during the same years by the government of the Virgin Islands. Such sum would be available for expenditure as the Territorial legislature, with the approval of the President, may determine. For the fiscal years 1955 and 1956, the remainder of the amount collected under the Federal internal revenue laws on Virgin Islands products sent to the United States, or the sum of \$1 million, whichever is greater, shall also be paid to the government of the Virgin Islands. Such sums shall be expended only for such emergency purposes or for such public projects as the President approves. If funds for such emergency purposes of public projects are not expended during the fiscal year, they remain available for subsequent expenditure, but they cannot exceed \$5 million at the end of any fiscal year. Subsection (c) provides that certain sections of the Trade Mark Act of 1946 and the Tariff Act of 1930 shall not apply to importations into the Virgin Islands of genuine foreign merchandise bearing a genuine foreign trade-mark but shall remain applicable to importations of such merchandise from the Virgin Islands into the United States or its possessions. It further provides that dealing in or possession of any such merchandise in the Virgin Islands shall not constitute a violation of any registrant's right under said Trade Mark Act. This revision, prepared jointly by officials from the Departments of Interior, Commerce, and Treasury, is in response to objections raised to the original version, and was agreed to by both legislative bodies.

Section 28 (d) provides that articles which are the growth, product, or manufacture of the Virgin Islands, or which do not contain more than 50 percent of their total value, may be admitted into the United States free from customs duty. Otherwise, such importations shall be subject to the rates of duty imposed by section 3350 of title 26, United States Code. This proposal was made by the Department of the Treasury.

Section 29 provides that officials of the government of the Virgin Islands shall be citizens of the United States and that they shall take the oath set forth in this section.

Section 30 provides generally that matters pertaining to the government of the Virgin Islands, except for the judiciary, shall be placed under the jurisdiction of the Secretary of the Interior. Upon the suggestion of Judge Maris, the following statement was added to the end of the section: "and the matters relating to the United States attorney and the United States marshal, which on the date of the approval of this Act are under the supervision of the Attorney General."

Section 31 (a) authorizes the Secretary of the Interior to lease or sell property of the United States under his administrative supervision in the Virgin Islands. Subsection (b) provides that the government of the Virgin Islands shall have control over public property that is under its control on the date of enactment of the act.

Section 32 provides an amendment to the Animal Quarantine Act, so that cattle which have been infested with or exposed to ticks, but which are now free from them, may be admitted into the Virgin Islands under such regulations as the Secretary of Agriculture may prescribe.

Section 33 amends a statute pertaining to poultry quarantine to provide that the Secretary of Agriculture cannot issue regulations or take measures with respect to the introduction of live poultry into the Virgin Islands.

Section 34 sets up an orderly procedure under which the provisions of this act shall supersede existing law.

Section 35 authorizes appropriations to carry out the purposes of this act. The House conferees agreed to this provision which authorizes these appropriations.

Section 36 provides that if any portion of this act is held invalid, the remainder shall not be affected thereby. This severability clause was included at the request of the Senate conferees.

WESLEY A. D'EWART,
JOHN P. SAYLOR,
E. Y. BERRY,
CLAIR ENGLE,
LLOYD M. BENTSEN, JR.,

Managers on the Part of the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to, and a motion to reconsider was laid on the table.

AMENDMENTS TO BANKHEAD-JONES FARM TENANT ACT

Mr. HOPE. Mr. Speaker, I ask unanimous consent that the bill S. 1276 be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. HOPE]?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 (b) (2) of the Bankhead-Jones Farm Tenant Act, as amended, is amended by inserting "not in excess of 5 percent" in lieu of "4 percent," and section 12 (c) (4) of such act is amended by inserting "not in excess of 4 percent" in lieu of "3 percent."

With the following committee amendment:

Strike out all after the enacting clause and insert "That the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1001), is further amended as follows:

"(a) The words 'less any prior lien indebtedness' shall be added at the end of and as a part of the parenthetical phrase of section 3 (a) (7 U. S. C. 1003 (a)), and the words 'or second' shall be inserted after the word 'first' where it appears in the first sentence of section 3 (a).

"(b) The words 'a rate of interest not in excess of 5 percent per annum as determined by the Secretary' shall be inserted in lieu of the words 'the rate of 4 percent per annum' in section 3 (b) (2) (7 U. S. C. 1003 (b) (2)).

"(c) the words 'shall not be in excess of 4 percent per annum as determined by the Secretary' shall be inserted in lieu of the words 'shall be 3 percent per annum' in section 12 (c) (4) (7 U. S. C. 1005b (c) (4)).

"(d) The words 'pursuant to section 43' shall be deleted from section 46 (7 U. S. C. 1020).

"(e) Section 51 of said act (7 U. S. C. 1025) is amended to read as follows, except insofar as said section affects title III of the Bankhead-Jones Farm Tenant Act, as amended:

"The Secretary is authorized and empowered to make advances to preserve and protect the security for, or the lien or priority of the lien securing, any loan or other indebtedness owing to or acquired by the Secretary under this act, the act of August 14, 1946, the act of April 6, 1949, the act of August 28, 1937, or the item 'Loans to farmers, 1948, flood damage' in the act of June 25, 1948, as those acts are heretofore or hereafter amended or extended; to bid for and purchase at any foreclosure or other sale or otherwise acquire property pledged, mortgaged, conveyed, attached, or levied upon to secure the payment of any such indebtedness; to accept title to any property so purchased or acquired; to operate for a period not in excess of 1 year from the date of acquisition, or lease such property for such period as may be deemed necessary to protect the investment therein; and to sell or otherwise dispose of such property in a manner consistent with the provisions of section 43 of this act."

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act to amend the Bankhead-Jones Farm Tenant Act, as amended, so as to provide for a variable interest rate, second mortgage security for loans under title I, and for other purposes."

A motion to reconsider was laid on the table.

THE TVA MUST BE CONSISTENT OR NO CALF LIKES TO BE WEANED

The SPEAKER. Under special order heretofore entered, the gentleman from California [Mr. PHILLIPS] is recognized for 60 minutes.

(Mr. PHILLIPS asked and was given permission to revise and extend his remarks.)

Mr. PHILLIPS. Mr. Speaker, last Tuesday, I came on the floor, as you will recall, somewhat unexpectedly and discovered that a few of my friends in the Congress were blowing up the proverbial "tempest in a teapot" over the logical, and very reasonable proposal, that the Atomic Energy Commission, as the party most interested, should contract with a group of private utility companies—who would, in turn, create a separate corpo-

Public Law 517 - 83d Congress
Chapter 558 - 2d Session
S. 3378

AN ACT

All 68 Stat. 497.

To revise the Organic Act of the Virgin Islands of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Revised Organic Act of the Virgin Islands".

SEC. 2. (a) The provisions of this Act, and the name "Virgin Islands" as used in this Act, shall apply to and include the territorial domain, islands, cays, and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. 1706). The Virgin Islands as above described are hereby declared an unincorporated territory of the United States of America.

(b) The government of the Virgin Islands shall have the powers set forth in this Act and shall have the right to sue by such name and in cases arising out of contract, to be sued: *Provided*, That no tort action shall be brought against the government of the Virgin Islands or against any officer or employee thereof in his official capacity without the consent of the legislature constituted by this Act.

The capital and seat of government of the Virgin Islands shall be located at the city of Charlotte Amalie, in the island of Saint Thomas.

BILL OF RIGHTS

SEC. 3. No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law or deny to any person therein equal protection of the laws.

In all criminal prosecutions the accused shall enjoy the right to be represented by counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence against himself; nor shall any person sit as judge or magistrate in any case in which he has been engaged as attorney or prosecutor.

All persons shall be bailable by sufficient sureties in the case of criminal offenses, except for first-degree murder or any capital offense when the proof is evident or the presumption great.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

No law impairing the obligation of contracts shall be enacted.

No person shall be imprisoned or shall suffer forced labor for debt.

All persons shall have the privilege of the writ of habeas corpus and the same shall not be suspended except as herein expressly provided.

No ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken for public use except upon payment of just compensation ascertained in the manner provided by law.

The right to be secure against unreasonable searches and seizures shall not be violated.

No warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Slavery shall not exist in the Virgin Islands.

Involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted by a court of law, shall not exist in the Virgin Islands.

No law shall be passed abridging the freedom of speech or of the press or the right of the people peaceably to assemble and petition the government for the redress of grievances.

No law shall be made respecting an establishment of religion or prohibiting the free exercise thereof.

No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of the Virgin Islands or of the United States shall be qualified to hold any office of trust or profit under the government of the Virgin Islands.

No money shall be paid out of the Virgin Islands treasury except in accordance with an Act of Congress or money bill of the legislature and on warrant drawn by the proper officer.

The contracting of polygamous or plural marriages is prohibited.

The employment of children under the age of sixteen years in any occupation injurious to health or morals or hazardous to life or limb is prohibited.

Nothing contained in this Act shall be construed to limit the power of the legislature herein provided to enact laws for the protection of life, the public health, or the public safety.

FRANCHISE

SEC. 4. The franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, twenty-one years of age or over. Additional qualifications may be prescribed by the legislature: *Provided, however,* That no property, language, or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon difference in race, color, sex, or religious belief.

LEGISLATIVE BRANCH

Legislature. SEC. 5. (a) The legislative power and authority of the Virgin Islands shall be vested in a legislature, consisting of one house, to be designated the "Legislature of the Virgin Islands", herein referred to as the legislature.

Senators. (b) The legislature shall be composed of eleven members to be known as senators. The Virgin Islands shall be divided into three Districts. legislative districts, as follows: The District of Saint Thomas, comprising Saint Thomas, Hassel, Water, Savana, Inner Brass, Outer Brass, Hans Lollik, Little Hans Lollik, Great Saint James, Little Saint James, and Capella Islands, Thatch Cay and adjacent islets and cays; the District of Saint Croix, comprising Saint Croix and Buck Islands and adjacent islets and cays; and the District of Saint John, comprising Saint John and Flanagan Islands, Grass, Mingo, Lovango, and Congo cays and adjacent islets and cays. Two senators shall be elected by the qualified electors of the District of Saint Thomas; two senators shall be elected by the qualified electors of the District of Saint Croix; and one senator shall be elected by the qualified electors of the District of Saint John. The other six senators shall be senators at large and shall be elected by the qualified electors of the Virgin Islands from the Virgin Islands as a whole: *Provided,* That in the election of senators at large, each elector shall be entitled to vote for two candidates, and the candidates receiving the largest number of

votes shall be declared elected up to the number to be elected at that election. The order of names upon the ballot for each office shall be determined by lot among the candidates: *Provided*, That the Government Secretary or his designee is authorized to draw for a candidate who does not appear in person, or by authorized representative, at the drawing of lots.

SEC. 6. (a) The term of office of each member of the legislature shall be two years. The term of office of each member shall commence on the second Monday in April following his election: *Provided, however*, That the term of office of each member elected in November 1954 shall commence on the second Monday in January 1955 and shall continue until the second Monday in April 1957. Terms of office.

(b) No person shall be eligible to be a member of the legislature who is not a citizen of the United States, who has not attained the age of twenty-five years, who is not a qualified voter in the Virgin Islands, who has not been a bona fide resident of the Virgin Islands for at least three years next preceding the date of his election, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights. Federal employees and persons employed in the legislative, executive or judicial branches of the government of the Virgin Islands shall not be eligible for membership in the legislature. Eligibility requirements.

(c) All officers and employees charged with the duty of directing the administration of the electoral system of the Virgin Islands and its representative districts shall be appointed in such manner as the legislature may by law direct. Electoral officers, etc.

(d) No member of the legislature shall be held to answer before any tribunal other than the legislature for any speech or debate in the legislature and the members shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature and in going to and returning from the same. Senatorial immunity.

(e) Each member of the legislature shall be paid the sum of \$600 annually, one-third on the second Monday in April, one-third on the second Monday in May, and one-third at the close of the regular session: *Provided, however*, That each member of the legislature shall be paid for the regular session commencing on the second Monday in January 1955, the sum of \$600 annually, one-third on the second Monday in January, one-third on the second Monday in February, and one-third at the close of that session. Each member of the legislature who is away from the island of his residence shall also receive the sum of \$10 per day for each day's attendance while the legislature is actually in session, in lieu of his expenses for subsistence, and shall be reimbursed for his actual travel expenses in going to and returning from each session, or period thereof, for not to exceed a total of eight round trips during any calendar year. The salaries, per diem, and travel allowances of the members of the legislature shall be paid by the Government of the United States. Compensation. Per diem. Travel allowance.

(f) No member of the legislature shall hold or be appointed to any office which has been created by the legislature, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, or during one year after the expiration of such term. Limitations.

(g) The legislature shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes, inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpoena to witnesses and other parties concerned, and administer oaths. The rules of the Legislative Assembly of the Virgin Islands existing on the date of Powers.

approval of this Act shall continue in force and effect for sessions of the legislature, except as inconsistent with this Act, until altered, amended, or repealed by the legislature.

Vacancies.

(h) The Governor of the Virgin Islands shall fill any vacancy in the office of a member of the legislature by appointment. If the vacant office is that of a senator from a district, the person appointed shall be a resident of the district from which the member whose office is vacant was elected. If the vacant office is that of a senator at large the person appointed may be a resident of any part of the Virgin Islands. In any case, the person appointed shall serve for the remainder of the unexpired term.

Sessions.

SEC. 7. (a) Regular sessions of the legislature shall be held annually, commencing on the second Monday in April, and shall continue in regular session for not more than sixty consecutive calendar days in any calendar year: *Provided, however,* That the annual session for 1955 shall commence on the second Monday in January 1955, and shall continue in regular session for not more than sixty consecutive calendar days. The Governor may call special sessions of the legislature at any time when in his opinion the public interests may require it, but no special session shall continue longer than fifteen calendar days, and the aggregate of such special sessions during any calendar year shall not exceed thirty calendar days. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session.

(b) Sessions of the legislature shall be held in the capital of the Virgin Islands at Charlotte Amalie, Saint Thomas.

Scope of powers.

SEC. 8. (a) The legislative authority and power of the Virgin Islands shall extend to all subjects of local application not inconsistent with this Act or the laws of the United States made applicable to the Virgin Islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty or international agreement entered into by the United States, nor shall the lands or other property of nonresidents be taxed at a higher rate than the lands or other property of residents.

Issuance of bonds.

(b) The legislature of the government of the Virgin Islands may cause to be issued on behalf of said government bonds or other obligations for a specific public improvement or specific public undertaking authorized by an act of the legislature, which bonds or obligations shall be payable solely from the revenues directly derived from and attributable to such specific public improvement or public undertaking.

Limitation.

The total amount of such revenue bonds which may be issued and outstanding for all such improvements or undertakings at any one time shall not be in excess of \$10,000,000. Bonds issued pursuant to this subsection may bear such date or dates, may be in such denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner as shall be prescribed by the government of the Virgin Islands. Said bonds shall be sold at public sale and shall be redeemable after five years without premium. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signature, whether manual or facsimile shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate not to exceed 5 per centum per annum, payable semiannually. All such bonds shall be sold for not less than the principal amount thereof plus accrued

Sale. Signatures.

Interest.

interest. All such bonds issued by the government of the Virgin Islands or by its authority shall be exempt as to principal and interest from taxation by the Government of the United States, or by the government of the Virgin Islands, or by any State, Territory, or possession or by any political subdivision of any State, Territory or possession, or by the District of Columbia. Such bonds shall under no circumstances constitute a general obligation of the Virgin Islands or of the United States. The legislature shall have no power to incur any indebtedness which may be a general obligation of said government. Tax exemption.

(c) The laws of the United States applicable to the Virgin Islands on the date of approval of this Act, including laws made applicable to the Virgin Islands by or pursuant to the provisions of the Act of June 22, 1936 (49 Stat. 1807), and all local laws and ordinances in force in the Virgin Islands, or any part thereof, on the date of approval of this Act shall, to the extent they are not inconsistent with this Act, continue in force and effect until otherwise provided by the Congress: Applicability of U. S. statutes.
Provided, That the legislature shall have power, when within its jurisdiction and not inconsistent with the other provisions of this Act, to amend, alter, modify, or repeal any local law or ordinance, public or private, civil or criminal, continued in force and effect by this Act, except as herein otherwise provided, and to enact new laws not inconsistent with any law of the United States applicable to the Virgin Islands, subject to the power of Congress to annul any such Act of the legislature. 48 USC 1405-1406m.
Local laws, etc.

(d) The President of the United States shall appoint a commission of seven persons, at least three of whom shall be residents of the Virgin Islands, to survey the field of Federal statutes and to make recommendations to the Congress within twelve months after the date of approval of this Act as to which statutes of the United States not applicable to the Virgin Islands on such date should be made applicable to the Virgin Islands, and as to which statutes of the United States applicable to the Virgin Islands on such date should be declared inapplicable. The members of the commission shall receive no salary for their service on the commission, but under regulations and in amounts prescribed by the Secretary of the Interior, they may be paid, out of Federal funds, reasonable per diem fees, and allowances in lieu of subsistence expenses, for attendance at meetings of the commission, and for time spent on official business of the commission, and their necessary travel expenses to and from meetings or when upon such official business, without regard to the Travel Expense Act of 1949. Commission to survey statutes.
63 Stat. 166.
5 USC 835 note.

(e) The Secretary of the Interior shall arrange for the preparation, at Federal expense, of a code of laws of the Virgin Islands, to be entitled the "Virgin Islands Code", which shall be a consolidation, codification and revision of the local laws and ordinances in force in the Virgin Islands. When prepared, the Governor shall submit it, together with his recommendations, to the legislature for enactment. Upon the enactment of the Virgin Islands Code it and any supplements to it shall be printed, at Federal expense, by the Government Printing Office as a public document. Virgin Islands Code.

SEC. 9. (a) The quorum of the legislature shall consist of seven of its members. No bill shall become a law unless it shall have been passed at a meeting, at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays. Legislative quorum.

(b) The enacting clause of all acts shall be as follows: "Be it enacted by the Legislature of the Virgin Islands". Enacting clause.

Governor's state
message and
budget.

(c) The Governor shall submit at the opening of each regular session of the legislature a message on the state of the Virgin Islands and a budget of estimated receipts and expenditures, which shall be the basis of the appropriation bills for the ensuing fiscal year, which shall commence on the first day of July.

Approval and
disapproval of
bills.

(d) Every bill passed by the legislature shall, before it becomes a law, be presented to the Governor. If the Governor approves the bill, he shall sign it. If the Governor disapproves the bill, he shall, except as hereinafter provided, return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him. If the Governor does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature agree to pass the bill, it shall be presented anew to the Governor. If he then approves it, he shall sign it; if not, he shall within ten days after it has been presented to him transmit it to the President of the United States. If the President approves the bill, he shall sign it. If he disapproves the bill, he shall return it to the Governor, so stating, and it shall not be a law. If the President neither approves nor disapproves the bill within ninety days from the date on which it is transmitted to him by the Governor, the bill shall be a law in like manner as if the President had signed it. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving the other items, parts, or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the items, or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect.

Appropriations.

(e) If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payment of the obligations and necessary current expenses of the government of the Virgin Islands for the ensuing fiscal year, then the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item.

Journal.

(f) The legislature shall keep a journal of its proceedings and publish the same. Every bill passed by the legislature and the yeas and nays on any question shall be entered on the journal.

Transmission of
laws to Interior
and Congress.

(g) Copies of all laws enacted by the legislature shall be transmitted within fifteen days of their enactment by the Governor to the Secretary of the Interior and by him annually to the Congress of the United States.

General elec-
tions.

SEC. 10. The next general election in the Virgin Islands shall be held on November 2, 1954. At such time there shall be chosen the entire membership of the legislature as herein provided. Thereafter the general elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1956, and every two years thereafter. The Municipal Council of Saint Thomas and Saint John, and the Municipal Council of Saint Croix, existing on the date of approval of this Act, shall continue to function until January 10, 1955, at which time all of the functions, property, personnel, records, and unexpended balances of appropriations and funds of the governments of the municipality of Saint Thomas and Saint John and the

municipality of Saint Croix shall be transferred to the government of the Virgin Islands.

EXECUTIVE BRANCH

SEC. 11. The executive power of the Virgin Islands shall be vested in Governor. an executive officer whose official title shall be the "Governor of the Virgin Islands", and shall be exercised under the supervision of the Secretary of the Interior. The Governor of the Virgin Islands shall Appointment. be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President and until his successor is chosen and qualified. The Governor shall main- Residence. tain his official residence in the Government House on Saint Thomas during his official incumbency, free of rent, and while in Saint Croix may reside in Government House on Saint Croix free of rent. He Powers. shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and may grant respites for all offenses against the laws of the United States applicable in the Virgin Islands until the decision of the President can be ascertained. He may veto any legislation as provided in this Act. He shall appoint all officers and employees of the executive branch of the government of the Virgin Islands, except as otherwise provided in this or any other Act of Congress, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Virgin Islands and the laws of the United States applicable in the Virgin Islands. Whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia, to prevent or suppress violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the islands, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon made known. He shall annually, Reports. and at such other times as the President or the Congress may require, make official report of the transactions of the government of the Virgin Islands to the Secretary of the Interior, and his said annual report shall be transmitted to the Congress. He shall perform such addi- Delegated duties. tional duties and functions as may, in pursuance of law, be delegated to him by the President, or by the Secretary of the Interior. He shall have the power to issue executive regulations not in conflict with any applicable law. He may attend or may designate another person to represent him at the meetings of the legislature, may give expressions to his views on any matter before that body, and may recommend bills to the legislature.

SEC. 12. The President shall appoint a Government Secretary for the Secretary. Virgin Islands. He shall have custody of the seal of the Virgin Islands and shall countersign and affix such seal to all executive proclamations and all other executive documents. He shall record and preserve the laws enacted by the legislature. He shall promulgate all proclamations and orders of the Governor and all laws enacted by the legislature. He shall have such executive powers and perform such other duties as may be assigned to him by the Governor.

SEC. 13. The Governor may appoint an administrative assistant who Administrative shall reside in Saint Croix and an administrative assistant who shall assistant. reside in Saint John. These administrative assistants shall perform such duties as may be assigned to them by the Governor. In making

such appointments, preference shall be given to qualified residents of the Virgin Islands.

Persons to act
for Governor.

SEC. 14. In case of a vacancy in the office of Governor or the disability or temporary absence of the Governor, the Government Secretary shall have all the powers of the Governor.

SEC. 15. The Secretary of the Interior may from time to time designate the head of an executive department of the government of the Virgin Islands to act as Governor in the case of a vacancy in the offices, or the disability or temporary absence, of both the Governor and the Government Secretary, and the person so designated shall have all the powers of the Governor for so long as such condition continues.

Government re-
organization,
eto.

SEC. 16. (a) The Governor shall, within one year after the date of approval of this Act, reorganize and consolidate the existing executive departments, bureaus, independent boards, agencies, authorities, commissions, and other instrumentalities of the government of the Virgin Islands or of the municipal governments into not more than nine executive departments except for independent bodies whose existence may be required by Federal law for participation in Federal programs.

Commissioners.

The head of each executive department shall be designated as the Commissioner thereof, and the Commissioner of Finance shall be bonded. No other department, bureau, independent board, agency, authority, commission, or other instrumentality shall be created, organized, or established by the Governor or the legislature, without the prior approval of the Secretary of the Interior, unless required by Federal law for participation in Federal programs.

(b) The Governor shall, from time to time, after complying with the provisions of subsection (a) of this section, examine the organization of the executive branch of the government of the Virgin Islands, and shall make such changes therein, subject to the approval of the legislature, not inconsistent with this Act, as he determines are necessary to promote effective management and to execute faithfully the purposes of this Act and the laws of the Virgin Islands.

Executive de-
partment heads.

(c) The heads of the executive departments created by this Act shall be appointed by the Governor, with the advice and consent of the legislature. Each shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is appointed and qualified, unless sooner removed by the Governor. Each shall have such powers and duties as may be prescribed by the legislature.

Comptroller.

SEC. 17. (a) The Secretary of the Interior shall appoint a government comptroller who shall receive a salary of not to exceed \$12,500 per annum. The government comptroller shall hold office for a term of ten years and until his successor is appointed and qualified unless sooner removed by the Secretary of the Interior for cause. The government comptroller shall not be eligible for reappointment.

Duties.

(b) The government comptroller shall audit and settle all accounts and claims pertaining to the revenues and receipts from whatever source of the government of the Virgin Islands and of funds derived from bond issues; and he shall audit and settle, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands including those pertaining to trust funds held by the government of the Virgin Islands.

(c) It shall be the duty of the government comptroller to bring to the attention of the proper administrative officer failures to collect amounts due the government, and expenditures of funds or property which in his opinion are extravagant, excessive, unnecessary, or irregular.

(d) It shall be the duty of the government comptroller to certify to the Secretary of the Interior the net amount of government revenues which form the basis for Federal grants for the civil government of the Virgin Islands.

(e) The decisions of the government comptroller shall be final except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year from the date of the decision, to the Governor, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken with the reasons and the authorities relied upon for reversing such decision. Decisions.
Appeals.

(f) If the Governor confirms the decision of the government comptroller, then relief may be sought by appeal to the legislature or suit in the District Court of the Virgin Islands if the claim is otherwise within its jurisdiction.

(g) The government comptroller is authorized to communicate directly with any person having claims before him for settlement, or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths. Direct communication.

(h) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of the Virgin Islands an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government. Fiscal report,
etc.

(i) The government comptroller shall make such other reports as may be required by the Governor of the Virgin Islands, the Comptroller General of the United States, or the Secretary of the Interior.

(j) The office of the government comptroller shall be under the general supervision of the Secretary of the Interior, but shall not be a part of any executive department in the government of the Virgin Islands. Supervision of
Secretary.

SYSTEM OF ACCOUNTS

SEC. 18. The Governor shall establish and maintain systems of accounting and internal control designed to provide—

(a) full disclosure of the financial results of the government's activities;

(b) adequate financial information needed for the government's management purposes;

(c) effective control over and accountability for all funds, property, and other assets for which the government is responsible, including appropriate internal audit; and

(d) reliable accounting results to serve as the basis for preparation and support of the government's request for the approval of the President or his designated representative for the obligation and expenditure of the internal revenue collections as provided in section 26, the Governor's budget request to the legislature, and for controlling the execution of the said budget.

SEC. 19. The office and activities of the Government Comptroller of the Virgin Islands shall be subject to review annually by the Comptroller General of the United States, and report thereon shall be made by him to the Governor, the Secretary of the Interior, and to the Congress. GAO review and
report.

SEC. 20. (a) The Governor shall receive an annual salary at the rate provided for Governors of Territories and possessions in the Executive Pay Act of 1949. Salaries.

(b) The Government Secretary, the heads of the executive departments, and the members of the immediate staffs of the Governor and 63 Stat. 880.
48 USC 1405s+1.

63 Stat. 954.

5 USC 1071 note.

the Government Secretary, shall receive annual salaries at rates established by the Secretary of the Interior in accordance with the standards provided in the Classification Act of 1949.

(c) The salaries of the Governor, the Government Secretary, and the members of their immediate staffs shall be paid by the United States. The salaries of the government comptroller and the heads of the executive departments shall be paid by the government of the Virgin Islands; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor.

JUDICIAL BRANCH

District Court.

SEC. 21. The judicial power of the Virgin Islands shall be vested in a court of record to be designated the "District Court of the Virgin Islands", and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by local law.

Jurisdiction.

SEC. 22. The District Court of the Virgin Islands shall have the jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties and laws of the United States, regardless of the sum or value of the matter in controversy. It shall have general original jurisdiction in all other causes in the Virgin Islands, exclusive jurisdiction over which is not conferred by this Act upon the inferior courts of the Virgin Islands. When it is in the interest of justice to do so the district court may on motion of any party transfer to the district court any action or proceeding brought in an inferior court and the district court shall have jurisdiction to hear and determine such action or proceeding. The district court shall also have appellate jurisdiction to review the judgments and orders of the inferior courts of the Virgin Islands to the extent now or hereafter prescribed by local law.

Inferior courts.

Jurisdiction.

SEC. 23. The inferior courts now or hereafter established by local law shall have exclusive original jurisdiction of all civil actions wherein the matter in controversy does not exceed the sum or value of \$500, exclusive of interest and costs, all criminal cases wherein the maximum punishment which may be imposed does not exceed a fine of \$100 or imprisonment for six months, or both, and all violations of police and executive regulations, and they shall have original jurisdiction, concurrently with the district court, of all actions, civil or criminal, jurisdiction of which may hereafter be conferred upon them by local law. Any action or proceeding brought in the district court which is within the jurisdiction of an inferior court may be transferred to such inferior court by the district court in the interest of justice. The inferior courts shall hold preliminary investigations in charges of felony and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction granted to the inferior courts by this section, and shall commit offenders to the district court and grant bail in bailable cases. The rules governing the practice and procedure of the inferior courts and prescribing the duties of the judges and officers thereof, oaths and bonds, the times and places of holding court, and the procedure for appeals to the district court shall be as may hereafter be established by the district court. The rules governing disposition of fines, costs and forfeitures, enforcement of judgments, and disposition and treatment of prisoners shall be as established by law or ordinance in force on the date of approval of this Act or as may hereafter be so established.

Appointment of
District Court
Judge, etc.

SEC. 24. The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of the Virgin Islands, who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the Presi-

dent for cause. The salary of the judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the District Court the Chief Judge of the Third Judicial Circuit of the United States may assign a circuit or district judge of the Third Circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The compensation of the judge of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States. The Attorney General shall, as heretofore, appoint a marshal and one deputy marshal for the Virgin Islands to whose office the provisions of chapter 33 of title 28, United States Code, shall apply.

62 Stat. 910.

SEC. 25. The Virgin Islands consists of two judicial divisions; the Division of Saint Croix, comprising the island of Saint Croix and adjacent islands and cays and the Division of Saint Thomas and Saint John, comprising the islands of Saint Thomas and Saint John and adjacent islands and cays. The district court shall hold sessions in each division at such time as the court may designate by rule or order, at least once in three months in each division. The rules of practice and procedure heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of title 28, United States Code, in civil cases, section 2073 of title 28, United States Code, in admiralty cases, and section 30 of the Bankruptcy Act in bankruptcy cases, shall apply to the District Court of the Virgin Islands and to appeals therefrom. All offenses shall continue to be prosecuted in the District Court by information as heretofore except such as may be required by local law to be prosecuted by indictment by grand jury.

Judicial divisions.

62 Stat. 961.

30 Stat. 554.

11 USC 53.

SEC. 26. In any criminal case originating in the district court, no person shall be denied the right to trial by jury on the demand of either party. If no jury is demanded the case shall be tried by the judge of the district court without a jury, except that the judge may, on his own motion, order a jury for the trial of any criminal action. The legislature may provide for trial in misdemeanor cases by a jury of six qualified persons.

Trial by jury.

SEC. 27. The President shall, by and with the advice and consent of the Senate, appoint a United States attorney for the Virgin Islands, who shall hold office for the term of four years and until his successor is chosen and qualified, unless sooner removed by the President for cause.

U. S. attorney.

Appointment,

term, etc.

The United States attorney, by himself or the assistant United States attorney, shall conduct all legal proceedings, civil and criminal, to which the Government of the United States or the government of the Virgin Islands is a party in the District Court of the Virgin Islands and in the inferior courts of the Virgin Islands. Offenses against the laws of the Virgin Islands shall be prosecuted in the name of the government of the Virgin Islands. The United States attorney shall perform his duties under the supervision and direction of the Attorney General of the United States. The Attorney General may appoint one assistant United States attorney. The Attorney General may authorize the employment of necessary clerical assistants. The compensation of the district attorney and his assistant and employees shall be fixed by the Attorney General and their salaries and the other necessary expenses of the office shall be paid from appropriations made to the Department of Justice. In the case of a vacancy in the office of the district attorney, the District Court of the Virgin Islands may appoint a district attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.

Assistant, etc.

Salaries.

Vacancy.

Funds for
expenditure.

SEC. 28. (a) The proceeds of customs duties, the proceeds of the United States income tax, the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and the proceeds of all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands, less the cost of collecting all of said duties, taxes, and fees, shall be covered into the treasury of the Virgin Islands, and shall be available for expenditure as the Legislature of the Virgin Islands may provide: *Provided*, That the term "inhabitants of the Virgin Islands" as used in this section shall include all persons whose permanent residence is in the Virgin Islands, and such persons shall satisfy their income tax obligations under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands: *Provided further*, That nothing in this Act shall be construed to apply to any tax specified in section 3811 of the Internal Revenue Code.

64 Stat. 543.
26 USC 3811(b).

53 Stat. 404.
26 USC 3350.

Shipments to
U. S.

(b) Subchapter B of chapter 28 of the Internal Revenue Code amended by adding to section 3350 thereof the following subsection:

"(c) DISPOSITION OF INTERNAL REVENUE COLLECTIONS.—Beginning with the fiscal year ending June 30, 1954, and annually thereafter, the Secretary of the Treasury shall determine the amount of all taxes imposed by, and collected during the fiscal year under, the internal revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States. The amount so determined less 1 per centum and less the estimated amount of refunds or credits shall be subject to disposition as follows:

Transfer of
moneys.

"(i) There shall be transferred and paid over to the government of the Virgin Islands from the amounts so determined a sum equal to the total amount of the revenue collected by the government of the Virgin Islands during the fiscal year, as certified by the Government Comptroller of the Virgin Islands. The moneys so transferred and paid over shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as the legislature may determine: *Provided*, that the approval of the President or his designated representative shall be obtained before such moneys may be obligated or expended.

Emergencies and
public proj-
ects.

"(ii) There shall also be transferred and paid over to the government of the Virgin Islands during each of the fiscal years ending June 30, 1955, and June 30, 1956, the sum of \$1,000,000, or the balance of the internal revenue collections available under this subsection (c) at the end of the fiscal year, whichever is less, for the purpose of making payments are made under the preceding paragraph (i), whichever amount is greater. The moneys so transferred and paid over shall be deposited in the separate fund established by the preceding paragraph (i), but shall be obligated or expended for emergency purposes and essential public projects only, with the prior approval of the President or his designated representative.

Unexpended
balance.

"(iii) Any amounts remaining shall be deposited in the Treasury of the United States as miscellaneous receipts.

Limitation.

"If at the end of any fiscal year the total of the Federal contribution made under (i) above at the beginning of that fiscal year has not been obligated or expended for an approved purpose, the balance shall continue available for expenditure during any succeeding fiscal year, but only for approved emergency relief purposes and essential public projects as provided in (ii) above. The aggregate amount of moneys available for expenditure for emergency relief purposes and essential public projects only, including payments under (ii) above, shall not exceed the sum of \$5,000,000 at the end of any fiscal year. Any unobli-

gated or unexpended balance of the Federal contribution remaining at the end of a fiscal year which would cause the moneys available for emergency relief purposes and essential public projects only to exceed the sum of \$5,000,000 shall thereupon be transferred and paid over to the Treasury of the United States as miscellaneous receipts."

(c) Section 42 of the Trade Mark Act of 1946 (60 Stat. 440, 15 U. S. C., 1952 edition, sec. 1124), and section 526 of the Tariff Act of 1930 (46 Stat. 741, 19 U. S. C., 1952 edition, sec. 1526), shall not apply to importations into the Virgin Islands of genuine foreign merchandise bearing a genuine foreign trade-mark, but shall remain applicable to importations of such merchandise from the Virgin Islands into the United States or its possessions; and the dealing in or possession of any such merchandise in the Virgin Islands shall not constitute a violation of any registrant's right under said Trade Mark Act. Trademark infringement.

(d) There shall be levied, collected, and paid upon all articles coming into the United States or its possessions from the Virgin Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries, and the internal revenue taxes imposed by section 3350 of title 26, United States Code: Duty.
Provided, That all articles, the growth or product of, or manufactured in, such islands, from materials grown or produced in such islands or in the United States, or both, or which do not contain foreign materials to the value of more than 50 per centum of their total value, upon which no drawback of custom duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. In determining whether such a Virgin Islands article contains foreign material to the value of more than 50 per centum, no material shall be considered foreign which, at the time the Virgin Islands article is entered, or withdrawn from warehouse, for consumption, may be imported into the continental United States free of duty generally.

MISCELLANEOUS PROVISIONS

SEC. 29. All officials of the government of the Virgin Islands shall be citizens of the United States. Every member of the Legislature of the Virgin Islands and all officers and employees of the government of the Virgin Islands shall before entering upon the duties of their respective offices, or, in the case of persons in the employ of the government of the Virgin Islands on the effective date of this Act, then within sixty days of the effective date thereof, make a written statement in the following form: U. S. citizenship requirement.

"I, _____, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution and laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands, and that I will discharge the duties of _____ with fidelity.

"And I do further swear (or affirm) that I do not advocate, nor am I knowingly a member of any organization that advocates, the overthrow of the Government of the United States or of the Virgin Islands by force or violence or other unconstitutional means, or seeking by force or violence to deny other persons their rights under the Constitution and laws of the United States applicable to the Virgin Islands or the laws of the Virgin Islands. Loyalty statement.

"And I do further swear (or affirm) that I will not so advocate nor will I knowingly become a member of such organization during the period that I am an employee of the Virgin Islands."

Reports.

SEC. 30. All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is hereby authorized to place all matters pertaining to the government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to the judicial branch of said government which on the date of approval of this Act are under the supervision of the Director of the Administrative Office of the United States Courts, and the matters relating to the United States Attorney and the United States Marshal which on the date of approval of this Act are under the supervision of the Attorney General.

68 Stat. 509.

68 Stat. 510.

Public property.
Lease or sale.

SEC. 31. (a) The Secretary of the Interior shall be authorized to lease or to sell upon such terms as he may deem advantageous to the Government of the United States any property of the United States under his administrative supervision in the Virgin Islands not needed for public purposes.

Control.

(b) The government of the Virgin Islands shall continue to have control over all public property that is under its control on the date of approval of this Act.

SEC. 32. Section 6 of the Act of August 30, 1890 (26 Stat. 414, 416), as amended (21 U. S. C., 1946 edition, sec. 104) is further amended by inserting the words "and the admission into the Virgin Islands" immediately following the word "Texas", so that such section will read as follows:

Diseased animals.
Importation prohibited.
Exception.

"The importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is prohibited: *Provided*, That the Secretary of Agriculture, within his discretion and under such regulations as he may prescribe, is authorized to permit the admission from Mexico into the State of Texas and the admission into the Virgin Islands of cattle which have been infested with or exposed to ticks upon being freed therefrom. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding three years, and any vessel or vehicle used in such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States."

Penalty.

Disease prevention.

SEC. 33. Section 2 of the Act of February 2, 1903 (32 Stat. 791, 792), as amended (21 U. S. C., 1946 edition, sec. 111), is hereby further amended by striking out the period and adding at the end thereof the following: "": *Provided*, That no such regulations or measures shall pertain to the introduction of live poultry into the Virgin Islands of the United States."

Live poultry.

Effective date.

SEC. 34. This Act shall take effect upon its approval, but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the incumbents of all offices under the government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority. The enactment of this Act shall not affect the term of office of the judge of the District Court of the Virgin Islands in office on the date of its enactment.

SEC. 35. There are hereby authorized to be appropriated annually Appropriations. by the Congress of the United States such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act.

SEC. 36. If any clause, sentence, paragraph, or part of this Act, or Separability. the application thereof to any person, or circumstances, is held invalid, the application thereof to other persons, or circumstances, and the remainder of the Act, shall not be affected thereby.

Approved July 22, 1954.

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